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# FIRST REPRINT.

Bill reprinted as amended, and reported on 8th March, 1910, by The Committee on Banking and Commerce.

The amendments made by The Committee on Banking and Commerce are shown—

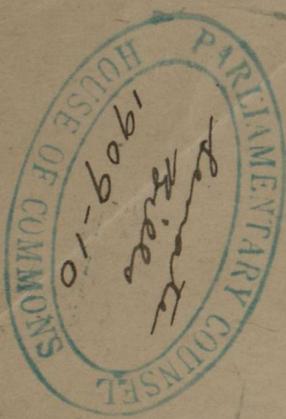
By an asterisk \* at the beginning and end, when a section, subsection, or words have been substituted for others;

By three asterisks \*\*\* when the amendment is by the omission of words;

By a line of asterisks across the page, when a section or subsection has been struck out altogether and nothing substituted.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

OF CANADA.



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are printed for  
Bill is passed  
in the House of

## SHORT TITLE.

1. This Act may be cited as *The Insurance Act, 1910.*

Short title.

## INTERPRETATION.

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

Definitions.

(a) \**“Department”* means the Department of Insurance constituted by this Act;\*

“Department.”

(b) *“Minister”* means the Minister of Finance;

“Minister.”

5 (c) *“Superintendent”* means the Superintendent of Insurance;

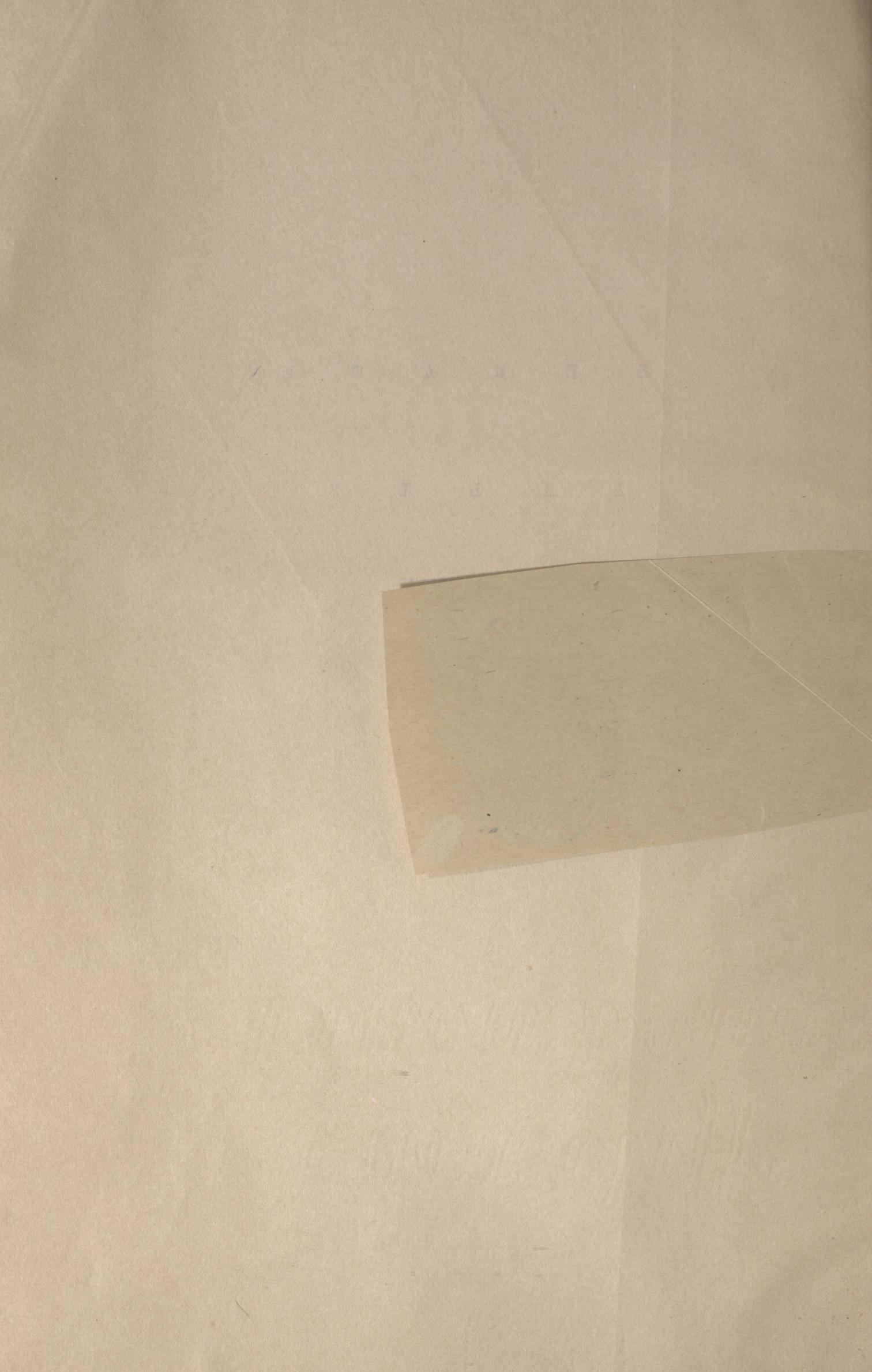
“Superintendent.”

(d) *“company”* means and includes any corporation or any society or association, incorporated or unincorporated, or any partnership carrying on the business of insurance;

“Company.”

10 (e) *“Canadian company”* means a company incorporated or legally formed in Canada, for the purpose of carrying on the

“Canadian company.”



## FIRST REPRINT.

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2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL A.

NOTE.—*The part of subsection 1 of section 37 and paragraph 3 of subsection 1 of section 139, which are shown within square brackets, do not form part of this Bill. They are printed for information only and will be struck out before the Bill is passed by the Senate. It is intended to introduce them in the House of Commons.*

*New matter is shown by italics.*

### An Act respecting Insurance.

#### SHORT TITLE.

1. This Act may be cited as *The Insurance Act, 1910.* Short title.

#### INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- |   |                               |
|---|-------------------------------|
| (a) * "Department" means the Department of Insurance constituted by this Act;*  | Definitions.<br>"Department." |
| (b) "Minister" means the Minister of Finance;   | "Minister."                   |
| 5 (c) "Superintendent" means the Superintendent of Insurance;   | "Superintendent."             |
| (d) "company" means and includes any corporation or any society or association, incorporated or unincorporated, or any partnership carrying on the business of insurance; | "Company."                    |
| 10 (e) "Canadian company" means a company incorporated or legally formed in Canada, for the purpose of carrying on the  | "Canadian company."           |

	business of insurance in Canada, and which has its head office therein;	
"Chief agency."	(f) "agency" or "chief agency" means the principal office or place of business of the company in Canada;	
"Agent."	(g) "agent" means the chief agent of the company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he is designated;	5
"Officer."	(h) "officer" *** includes the manager, secretary, treasurer, actuary and any other person designated as "officer" by the by-laws of the company.	10
"President."	(i) "president", as regards a company other than a Canadian company, means and includes the chairman, governor, manager or other principal officer thereof;	
"Secretary."	(j) "secretary" means and includes the officer by whom the usual duties of a secretary are performed;	15
"Annual statement."	(k) "annual statement," in the case of companies incorporated or legally formed elsewhere than in Canada and licensed under this Act, includes both the statement of the Canadian business and of the general business of the company required by this Act to be made;	20
"License."	(l) "license" includes certificate of registration;	
"Policy."	(m) "policy" includes a certificate of membership relating in any way to life insurance and any other written contract of insurance whether contained in one or more documents;	
	(n) "Canadian policy" or "policy in Canada," as regards fire and inland marine insurance, means a policy of insurance on any property within Canada, issued by any company licensed under this Act to transact the business of fire or inland marine insurance;	25
"Canadian policy."	(o) "Canadian policy" or "policy in Canada," as regards life insurance, means a policy or an annuity contract issued by any company licensed under this Act to transact the business of life insurance in Canada, in favour of any person or persons resident in Canada at the time when such policy was issued;	30
"Policy in Canada."		
"Policyholder in Canada."	(p) "policyholder in Canada" means, as respects life insurance, any person upon whose life any company licensed under this Act to transact the business of life insurance in Canada has, while such person was resident in Canada, issued a policy;	35
"Policyholder."	(q) "policyholder," as respects life insurance, when used in reference to the person to whom a tender is made by the Minister, as hereinafter provided, upon a company which ceases to do business applying for a release of deposits, means the person to whom the policy is issued and with whom the contract for insurance is made, and includes the assignee of such person.	40
"Accident insurance."	(r) "accident insurance" means insurance against bodily injury and death by accident, including loss or damage from accident or injury suffered by an employee or other person for which the person *insured* is liable; and the insurance of personal property other than plate or other glass against accidental damage or loss by reason of any cause except by fire or perils of navigation;	45
		50
"Automobile insurance."	(s) "automobile insurance" means insurance against accidental bodily injury or death to its driver, including insurance against loss or damage from accident to or injury suffered by an employee or other person caused by an automobile for which the owner is liable; and insurance against loss or damage to property from an accident caused by an automobile, except by fire; and insur-	55

ance against loss or damage to an automobile by accident, burglary or theft;

(t) "bond insurance" means guaranteeing the validity and legality of bonds issued by any province of Canada or by any city, county, town, village, school district, municipality or other civil division of any such province or by any private or public corporation;

"Bond insurance."

(u) "burglary insurance" means insurance against loss or damage by burglary, theft, or house-breaking;

"Burglary insurance."

10 (v) \*"explosion insurance" means insurance against damage to property of any kind caused by the explosion of natural or other gas.\*

"Explosion insurance."

(w) "guarantee insurance" means the guaranteeing of the fidelity of persons in positions of trust, public or private, guaranteeing and becoming security for the due performance of any contract or agreement or of the duties of any office; executing bonds in legal actions and proceedings;

"Guarantee insurance."

(x) "industrial insurance" means life insurance, the premiums for which are payable at shorter intervals than quarterly, and "industrial policies," means policies of life insurance whereon the premiums are so payable; but this paragraph shall not apply to life insurance undertaken by companies licensed under section 113 of this Act, nor to policies issued by such companies;

"Industrial insurance."

(y) "inland marine insurance" means marine insurance in respect to subjects of insurance at risk upon the waters of Canada, above the harbour of Montreal;

"Inland marine insurance."

(z) "inland transportation insurance" means insurance against loss or damage to goods, wares, merchandise or property of any kind, including matter transmitted by mail, in transit otherwise than by water, from place to place in Canada;

"Inland transportation insurance."

(aa) "plate glass insurance" means insurance against the breakage of plate or other glass, either local or in transit;

"Plate glass insurance."

(bb) "sickness insurance" means insurance against loss through illness not ending in death, or disability not arising from accident or old age;

"Sickness insurance."

(cc) "sprinkler leakage insurance" means the insuring of any goods or premises against loss or damage by water caused by the breakage or leakage of sprinklers, pumps, water-pipes, or plumbing and its fixtures;

"Sprinkler leakage insurance."

40 (dd) "steam boiler insurance" means insurance upon steam boilers and pipes, engines and machinery connected therewith or operated thereby, against explosion, rupture and accident and against personal injury or loss of life, and against destruction of or damage to property resulting therefrom;

"Steam boiler insurance."

#### APPLICATION OF ACT.

45 3. The provisions of this Act shall not apply—

Application of Act.

(1) to any contract of \*\*\* marine insurance effected in Canada by any company authorized to carry on within Canada the \*said\* business; \* \* \* nor—

Ocean marine insurance.

(2) \*except as hereinafter provided\* shall its provisions apply—

50 (a) to any policy of life insurance in Canada, issued previously to the twenty-second day of May, one thousand eight hundred and sixty-eight, by any company which has not subsequently received a license; or,

Policies prior to 22nd May, 1868.

- Companies under provincial Acts. (b) to any company incorporated by an Act of the legislature of the late province of Canada, or by an Act of the legislature of any province now forming part of Canada, which carries on the business of insurance wholly within the limits of the province by the legislature of which it was incorporated, and which is within the exclusive control of the legislature of such province; or, 5
- Societies. (c) to any society or association of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the insurance on the assessment system only of the lives of the members thereof exclusively; or, 10
- Associations in connection. (d) to any association for the purpose of life insurance formed in connection with any society or association and exclusively from its members, and which insures on the assessment system only the lives of such members exclusively; or, 15
- Exempted societies. (e) to any society or organization exempted, under this section, by the Treasury Board from the provisions of this Act; and—

*\*(3) upon the passing of this Act licenses for the transaction of the business of inland marine insurance shall become inoperative and void and thereafter no company shall be required to obtain a license for the transaction of that branch of insurance, notwithstanding anything to the contrary in its Act of incorporation contained.\** 20

What societies may be exempted.

2. Upon its being established to the satisfaction of the Treasury Board that the occupation of the members of any society or organization of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the granting of life, accident, sickness or disability insurance to the members thereof exclusively, is of such a hazardous nature that the members of such society or organization are either wholly unable to obtain insurance in the licensed insurance companies or are able to obtain it only to a limited extent and upon payment of very high premiums, the Treasury Board may exempt from the provisions of this Act such society or organization or any association for the purpose of life, accident, sickness or disability insurance, or any one or more of such kinds of insurance formed in connection with such society or organization and exclusively from its members, and which insures such members exclusively. 25 30 35 40

Companies incorporated by provincial legislatures.

3. Any company incorporated by an Act of the legislature of the late province of Canada or by an Act of the legislature of any province now forming part of Canada, which carries on the business of insurance wholly within the limits of the province by the legislature of which it was incorporated and which is within the exclusive control of the legislature of such province, may, by leave of the Governor in Council, avail itself of the provisions of this Act on complying with the provisions thereof; and if it so avails itself the provisions of this Act shall thereafter apply to it, and such company shall thereafter have the power of transacting its business of insurance throughout Canada. 45 50

Societies or associations may avail themselves of the Act.

4. Any society or association of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the insurance on the assessment system only of the lives of the 55

members thereof exclusively, or any association for the purpose of life insurance on such system only formed in connection with any such society or association and exclusively from its members, and which insures the lives of such members exclusively, may apply to the Minister to be allowed to avail itself of the provisions of Part II of this Act, and upon such application being assented to, such society or association shall cease to be exempt from the application of this Act.

## PART I.

### GENERAL.

#### License.

4. \*In Canada, except as otherwise provided by this Act, no  
10 company or underwriters or other person shall solicit or accept  
any risk, or issue or deliver any receipt or policy of \* \* \*  
insurance, or grant any annuity on a life or lives, or collect or  
receive any premium, or inspect any risk, or adjust any loss, or  
carry on any business of insurance, or prosecute or maintain any  
15 suit, action or proceeding, or file any claim in insolvency relat-  
ing to such business, unless it be done by or on behalf of a com-  
pany or underwriters holding a license from the Minister.\*

Business not  
to be carried  
on without  
license.

5. The Minister, as soon as any company applying for a  
license has deposited in his hands the securities hereinafter  
20 mentioned, and has otherwise conformed to the requirements  
of this Act, shall, subject to the provisions hereinafter con-  
tained, issue the license.

Deposit for  
license.

6. Before issuing a license to a company, the Minister must  
be satisfied that the corporate name of the company is not that  
25 of any other known company incorporated or unincorporated,  
or any name liable to be confounded therewith or otherwise on  
public grounds objectionable.

Name of  
company.

7. The license shall be in such form as is, from time to time,  
determined by the Minister, and shall specify the business to be  
30 carried on by the company, the provinces of Canada to which it  
applies (where a license limited as to territory is granted), and any  
other particular limitation or condition which may be deemed  
proper.

Form of  
license.

2. The license shall expire on the thirty-first day of March  
35 in each year, but shall be renewable from year to year, subject,  
however, to any qualification or limitation which is considered  
expedient; provided that such license may be from time to time re-  
newed for any term less than a year.

Duration.

8. Subject to the right of renewal of licenses granted pre-  
40 viously to the eleventh day of August, one thousand eight  
hundred and ninety-nine, a license shall not be granted to a  
company to carry on the business of life insurance in com-  
bination with any other branch of insurance. Provided that  
any life insurance company within the legislative power of the

License not  
granted for  
life and other  
insurance to  
same  
company.  
Proviso.

Parliament of Canada, and any other life insurance company licensed under this Act whose charter authorizes it, may, under the authority of its license to transact life insurance, issue life policies, including in the same policy insurance against disability caused by accident or sickness, but the amount of such disability insurance shall not exceed the premiums payable or accruing on such life and disability policy during the period of disability insured against, but in case of total and permanent disability the company may, at the request of the insured, and without further payment of premiums, pay, in full settlement of the policy, and as a substitute for all other benefits and privileges thereunder, a total and permanent disability benefit not exceeding the sum insured under the said policy. 5 10

2. A license may be granted to a company to carry on—
- Combined classes. (a) fire insurance, \*explosion insurance,\* cyclone or tornado insurance, \* \* \* and inland transportation insurance; or, 15
- Four classes.
- Five classes. (b) fire insurance, cyclone or tornado insurance, sprinkler leakage insurance in connection only with fire contracts made by the company, weather insurance and hail insurance; or, 20
- Five classes. (c) accident insurance, sickness insurance, plate glass insurance, steam boiler insurance and automobile insurance; or,
- Four classes. (d) guarantee insurance, bond insurance, credit insurance and burglary insurance.
3. Excluding the business of life insurance and the business of fire insurance, a license may, on the report and recommendation of the Superintendent, approved by the Treasury Board, be granted to a company—
- Combined classes. 25
- Five classes. (1) to carry on accident insurance, sickness insurance and three other classes of insurance in this section mentioned; or, 30
- Four classes. (2) to carry on four of the classes of insurance in this section mentioned.
4. Excluding the business of life insurance a license may, on the report and recommendation of the Superintendent, approved by the Treasury Board, be granted to a company— 35
- Combined classes.
- Four classes. (i) to carry on one or more classes of insurance in this section mentioned, in combination with one or more classes of insurance not in this section mentioned, not, however, exceeding, except as authorized by subsection 5 of this section, four classes in all; 40
- Four classes. (ii) to carry on four classes of insurance not in this section mentioned.
5. A license may, on the report and recommendation of the Superintendent, approved by the Treasury Board, be granted to a company to carry on one or more minor branches of insurance in addition to those hereinbefore enumerated or authorized, or on the like report and recommendation, one or more minor branches may be substituted for a like number of branches so enumerated or authorized, or such an addition and substitution may be combined. 45
- Minor branches.
9. Subject to the right of renewal of licenses granted previously to the eleventh day of August, one thousand eight hundred and ninety-nine, a license shall not be granted to a company which is by its charter authorized or empowered to carry on classes or branches of insurance greater in number or variety than those for which a license could be granted under 55
- License not granted where charter authorizes excess of classes.

the provisions of the last preceding section: Provided that Exception.  
any company incorporated elsewhere than in Canada, *regardless*  
*of its \*greater\* corporate powers,*

- 5 (1) which has a paid-up wholly unimpaired capital of at least  
three hundred thousand dollars if authorized among other  
classes of business to transact the business of fire insurance,  
and of at least one hundred thousand dollars if not so author-  
ized; and,
- 10 (a) which holds over and above all liabilities estimated ac-  
cording to the existing Dominion Government standard,  
a rest or surplus fund equal to at least twenty per cent  
of such paid-up capital, and the market value of whose  
stock is at a premium of at least twenty per cent; and
- 15 (b) which has carried on successfully for a period of at least  
five years the business for which the license is sought  
*or which, having a paid-up wholly unimpaired capital of*  
*at least five hundred thousand dollars, has carried on succes-*  
*fully the business for which such license is sought for such*  
*shorter period as the Minister deems sufficient; and*
- 20 (c) if the business for which a license is sought consists only  
of one class of insurance, or of such classes as may for the  
purpose of a license be combined under the provisions  
of the last preceding section; or,
- 25 (d) which while not in all respects complying with the re-  
quirements of the foregoing paragraphs of this proviso,  
does not materially fall short thereof in any essential  
particular; or
- \*(2) which is a subsidiary company of a company duly*  
*licensed under this Act and whose insurance contracts are guaran-*  
30 *teed by the company whose subsidiary it is, the latter being also*  
*liable for all the liabilities of every kind of such subsidiary com-*  
*pany,\**  
shall be deemed eligible for and entitled to such license upon  
depositing, keeping and maintaining assets in Canada *as defined*  
35 *by subsections 2 and 3 of section 20 of this Act, to the amount in*  
*the next following section specified.*

10. Such assets so required to be deposited, kept and main- Deposit of  
tained by the company for which the license is asked shall be, assets to be  
to the extent the Treasury Board on the report of the Superin- in excess as  
40 tendent shall fix or determine, in excess of the amount which fixed by  
would be required if such company's charter powers were limited Treasury  
to the purpose for which such license is so asked. Board.

2. Such excess shall, in the case of a company applying for Amount of  
a license to transact fire insurance or life insurance, be not excess.  
45 less than fifty thousand dollars, and, in case of any other com-  
pany, not less than ten thousand dollars, and in no case more  
than two hundred thousand dollars.

11. *By leave of the Governor in Council a license may, on such* License to  
*terms and conditions and subject to such limitations as are deter-* provincial  
50 *mined by the Treasury Board on the report of the Superintendent,*  
*be granted to any such company as is mentioned in sub-paragraph*  
*(c) of paragraph (1) of subsection 1 of section 3 of this Act,*  
*\*regardless of the greater corporate powers of such company, and*

such license shall authorize the transaction of only one of the classes of business authorized by the charter or Act of incorporation of such company, or, if more than one then such as may be combined under the provisions of section 8 of this Act.\*

No license to individual underwriters.

Exception as to associations formed on Lloyds plan.

**12.** Except as in this section provided, no license shall be granted to any individual underwriter or underwriters to carry on any kind of insurance business: Provided that associations of individuals formed upon the plan known as Lloyds, whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy, may be authorized to transact insurance other than life insurance in Canada in like manner and upon the same terms and conditions as insurance companies; such associations to be in all respects subject to the provisions of this Act, except that the statements required by this Act to be filed in the office of the Superintendent may be verified in such manner as the Superintendent shall direct and prescribe.

What contracts may be included in one policy.

**13.** Contracts of accident and sickness insurance or contracts of fire, \*explosion\* and inland transportation insurance may be included in one policy, but in all other cases contracts of insurance for each class which a company is licensed to transact shall be in separate and distinct policies.

#### Deposits.

Deposit of securities with Minister.

**14.** Every company carrying on the business of life insurance and every Canadian company carrying on the business of fire or of inland marine insurance, or of both combined, shall, before the issue of such license, deposit with the Minister, in such securities as are hereinafter specified in that behalf, the sum of fifty thousand dollars.

In case of foreign company.

2. Every company incorporated or legally formed elsewhere than in Canada, carrying on the business of fire or of inland marine insurance or of both combined, shall, before the issue of such license, deposit with the Minister, in such securities, the sum of one hundred thousand dollars.

In case of limited license.

3. Where a license limited to one or more of the provinces of Canada is granted, the Treasury Board on the report of the Superintendent may authorize the acceptance of an initial deposit less in amount than in this section provided.

Securities, permissible.

**15.** All such deposits, and all other deposits required under the provisions of this Act, may be made by any company—

(a) in securities of or guaranteed by the Dominion of Canada, or in securities of or guaranteed by any province of Canada; or in securities of or guaranteed by the United Kingdom or any British colony;

(b) if such company is incorporated in any foreign country, in securities of or guaranteed by the government of such country.

Valuation.

2. The value of such securities shall be estimated at their market value, not exceeding par at the time when they are deposited.

16. If any other than the aforesaid securities are offered as a deposit, they may be accepted at such valuation and on such conditions as the Treasury Board directs.. Accepting other securities.
2. If the market value of any of the securities which have been deposited by any company declines below that at which they were deposited, the Minister may notify the company to make such further deposit as will ensure the *accepted* value of all the securities deposited by the company being equal to the amount which it is required by this Act to deposit. Further deposit if value declines.
3. On failure by the company to make such further deposit within sixty days after being called upon so to do, the Minister may withdraw its license.. Failure to make.
17. Any company licensed under this Act may, at any time, deposit in the hands of the Minister any further securities beyond the sum herein required to be deposited. Further deposit at option of company.
2. Any such further securities so deposited in the hands of the Minister, shall be held by him and be dealt with according to the provisions of this Act in respect to the sum required to be deposited by such company, and as if the same had been part of the sum so required to be deposited. How dealt with.
18. If at any time it appears that a company has on deposit with the Minister a sum in excess of the amount required under the provisions of this Act, the Treasury Board may, upon being satisfied that the interest of the company's Canadian policy-holders will not be prejudiced thereby, and upon the giving of such notice, and the exercise of such other precautions as may seem expedient, authorize the withdrawal of the amount of such excess or such portion thereof as may be deemed advisable: Provided that such withdrawal may be authorized without the giving of any notice. Withdrawal of excess.  
Notice of withdrawal.
19. If it appears from the annual statements or from an examination of the affairs and condition of any company carrying on the business of fire or inland marine insurance, that the re-insurance value of all its risks outstanding in Canada, together with other liabilities in Canada, exceeds its assets in Canada, including the deposit in the hands of the Minister, the company shall be notified by the Minister to make good the deficiency; and, on its failure \*to make the same good (up to the date of making good),\* within sixty days after being notified, he shall withdraw its license. Deficiency of assets—fire and inland marine insurance.  
Failure to make good.
20. Subject to the power and duties hereinafter vested in and imposed upon the Treasury Board in relation to the withdrawal of a company's license or for limiting a time for making good a deficiency of assets, if it appears from the annual statements, or from an examination, as provided for by this Act, of the affairs and condition of any company carrying on the business of life insurance, that its liabilities to policy-holders in Canada, including matured claims, and the full reserve or reinsurance value for outstanding policies, as hereinafter described, after deducting any claim the company has against such policies, exceed its assets in Canada, including the deposit

- Failure to make good. in the hands of the Minister, the company shall be called upon by the Minister to make good the deficiency; and on its failure to make the same good (up to the date of making good) within sixty days after being so called upon, he shall withdraw its license. 5
- Assets in case of foreign company. 2. If any such company as is mentioned in this and the last preceding section is incorporated or legally formed elsewhere than within Canada, the assets in Canada as aforesaid shall be taken to consist of all deposits which the company has made with the Minister under the provisions of this Act, and of such assets as have been vested in trust for the company for the purposes of this Act, in two or more persons resident in Canada, or in a trust company incorporated by or under the authority of an Act of the Parliament of Canada or of the legislature of one of the provinces thereof, appointed by the company and approved by the Minister. 10 15
- Trust deeds and dealing with assets. 3. The trust deed shall first be approved by the Minister, who with the approval of the Treasury Board shall determine from time to time the value at which such assets shall be accepted for the purposes of this Act, and the trustees may deal with such assets in any manner provided by the deed of trust appointing them, but so that the accepted value of the assets held by them shall not fall below the value required by this section: Provided that such accepted value shall not be greater than ninety per cent of the market value, and in no case greater than the par value thereof. 20 25
- Trust companies as trustees. 4. Trustees other than trust companies such as above described shall not hereafter be approved by the Minister in any case.
- Companies excepted from this section. 1877, c. 42. 5. In case any such life insurance company gave written notice to the Minister before the thirty-first day of March, one thousand eight hundred and seventy-eight, of its intention to avail itself of the proviso contained in section 17 of *The Consolidated Insurance Act, 1877*, the foregoing requirements of this section shall not apply to policies issued by such company previously to that date. 30 35
- Decreasing deposit. 1871, c. 9. 6. In any such case the deposit of such company which was in the hands of the Minister on the twenty-eighth day of April, one thousand eight hundred and seventy-seven, shall be dealt with in regard to such policies, in conformity with sections 4 and 5 of chapter 9 of the statutes of 1871, intituled *An Act to amend the Act respecting Insurance Companies*; and whenever the full liability under such policies falls below the amount so held by the Minister, he may, with the concurrence of the Treasury Board, direct that the whole or such portion of the difference as he deems advisable shall be released and handed over to the company, and so on, from time to time, until the total deposit with the Minister is reduced to the amount of fifty thousand dollars required by this Act. 40 45
- Handing over interest on securities. 21. So long as the conditions of this Act are satisfied by any company, and no notice of any final judgment against the company, or order made by the proper court in that behalf for the winding-up of the company or the distribution of its assets, is served upon the Minister, the interest upon the securities forming the deposit shall be handed over to the company as it falls due. 50 55

*Documents to be filed.*

- 22.** Every company shall, before the issue of a license to it, file in the \*Department\*— Filing of documents.
- (a) a copy of the charter, Act of incorporation, or articles of association of the company, certified by the proper officer in charge of the original thereof: *Provided that any such document which would be admitted as evidence in a court of law shall be deemed to be sufficiently verified within the meaning of this clause;* Copy of charter.
- (b) a power of attorney from the company to its agent in Canada, under the seal of the company, if it has a seal, and signed by the president and secretary or other proper officers thereof, in presence of a witness, who shall make oath or affirmation as to the due execution thereof; and the official positions in the company held by the officers signing such power of attorney shall be sworn to or affirmed by the officers signing such power of attorney or affirmed by some person cognizant of the facts necessary in that behalf; and, Power of attorney.
- (c) a statement, in such form as is required by the Minister, of the condition and affairs of such company on the thirty-first day of December next preceding, or up to the usual balancing day of the company, if such day is not more than twelve months before the filing of the statement. Statement of condition and affairs.
- 23.** Such power of attorney shall—
- (a) declare at what place in Canada the head office, or chief agency of such company is or is to be established; and Contents of power of attorney.
- (b) expressly authorize such attorney to receive service of process in all suits and proceedings against such company in any province in Canada, in respect of any liabilities incurred by the company therein, and to receive from the Minister and the Superintendent all notices which the law requires to be given, or which it is thought advisable to give; and,
- (c) declare that service of process for or in respect of such liabilities and receipt of such notices, at such office or chief agency, or personally on or by such attorney at the place where such head office or chief agency is established, shall be legal and binding on the company, to all intents and purposes whatsoever.
- 24.** Whenever any such company changes its agent or agency in Canada, such company shall file a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned. Change of chief agent.
2. Every company shall, at the time of making the annual statement hereinafter provided for, declare that no change or amendment has been made in the charter, Act of incorporation or articles of association of the company, and that no change has been made in the agency or agent, without the Declaration in annual statement.

Superintendent having been duly notified of such change or amendment.

Duplicates to be filed in office of a superior court.

**25.** Duplicates of all such documents, duly verified as aforesaid, shall be filed in the office of one of the superior courts in the province in which the head office or agency of the company is situated; or, if the agency is in the province of Quebec, with the prothonotary of the Superior Court of the district wherein such agency is established. 5

*Service of Process.*

Service of process on company at chief agency.

**26.** After such power of attorney and duplicate copies are filed as aforesaid, any process in any suit or proceeding against any such company, in respect of any liabilities incurred in any province of Canada, may be validly served on the company, at its agency and such service shall be deemed to be service on the company. 10

Constructive service.

2. If such power of attorney becomes invalid or ineffective from any reason whatsoever, or if other service cannot be effected, the court or a judge may order constructive service of any process or proceeding to be made by such publication as is deemed requisite to be made in the premises, for at least one month in at least one newspaper; and such publication shall be deemed to be due service upon the company of such process or proceeding. 15 20

*Notice.*

Notice of having obtained a license.

**27.** Every company on first obtaining such license shall forthwith give due notice thereof in *The Canada Gazette*, and in at least one newspaper in the county, city or place where the head office or agency is established, and shall continue the publication thereof for the space of four weeks. 25

Notice of ceasing of business.

**28.** When a company ceases to carry on business in Canada, or gives notice that it intends to so cease to carry on business, notice thereof shall, for the space of three calendar months, be given in the manner aforesaid. 30

Release of deposits.

2. Such giving of such notice shall be a condition precedent to the release of the company's deposit.

Publication of list of licensed companies.

**29.** The Minister shall cause to be published quarterly in *The Canada Gazette* a list of the companies licensed under this Act, with the amount of deposits made by each company. 35

New companies.

2. Upon any new company being licensed, or upon the license of any company being withdrawn in the interval between two such quarterly statements, he shall publish a notice thereof in *The Canada Gazette* for the space of four weeks. 40

*Annual Returns.*

Annual statement of company's business.

**30.** The president, vice-president or managing director or other director appointed for the purpose by by-law or by the board of directors, and the secretary, actuary or manager of every Canadian company licensed under this Act, shall prepare annually

under their oaths, a statement of the condition and affairs of such company on the thirty-first day of December in each year, which shall exhibit the assets and liabilities of the company, and its income and expenditure during such year, and such other  
5 information as is deemed necessary by the Minister or the Superintendent from time to time.

31. In the case of \*such\* companies carrying on the business of life insurance, such *annual* statements shall be in the form A in the schedule to this Act, with suitable changes made therein  
10 in the case of companies carrying on business on the assessment plan, and the said statements shall be deposited in the office of the Superintendent within two months after the first day of January in each year.

2. There shall also be prepared half yearly, as of the last days of December and June in each year after the first day of January, one thousand nine hundred and eleven, by the same officers, under their oaths, and deposited in the \*Department\* within fifteen days after the said last days of December and June in each year respectively, a statement in the form A1 in the schedule to this  
15 Act, showing in detail all bonds, stocks, debentures and other securities bought and all loans made, except on mortgages and policies, during the half year terminating on the date as of which such statement is made, specifying the amounts, dates of issue and maturity and par value thereof, the rate of interest payable thereon  
20 and the price paid therefor, and in the case of loans made except on mortgages of real estate or insurance policies, particulars in detail of securities therefor, and showing also in detail all such securities sold or disposed of during the said half year, specifying similarly the amounts, dates of issue and maturity and par value thereof, the  
25 value in account thereof, the rate of interest payable thereon and the price or consideration received therefor.

3. In the case of companies incorporated or legally formed elsewhere than within Canada, a statement shall similarly be prepared, in the form A1, half yearly by the trustees in whom assets are vested  
35 in trust for the company for the purposes of this Act, and similarly deposited half yearly in the \*Department\*, showing similarly all dealings during the preceding half year with the trust assets. The half yearly statements in this subsection mentioned shall be verified by the oath of one or more of the trustees, and in case a  
40 trust corporation is sole trustee or one of the trustees such half yearly statements may be verified by the manager and secretary or other principal officers of such trust corporation.

4. The half yearly statements mentioned in the two preceding subsections, the blank forms for which shall be supplied by the Superintendent, shall be embodied by him by way of appendix or  
45 otherwise in the annual report prepared by him for the Minister.

5. In the case of companies carrying on the business of fire \* \* \* insurance, such *annual* statement shall be in the form B in the schedule to this Act.

6. In the case of companies carrying on business other than life, \*or\* fire \* \* \* insurance, such *annual* statement shall be in the said form B as nearly as circumstances will permit, necessary changes only being made therein.

7. Such *annual* statement shall be sworn to, in the form C in the schedule to this Act, before some person duly authorized

Life companies.

Half yearly statement of securities.

Foreign companies.

Form of statement.

Fire and inland marine companies.

Other companies.

Statements to be sworn.

to administer oaths in any legal proceeding, and such half yearly statements shall, in like manner, be sworn to in the form C1 in the said schedule.

Minister or Superintendent may change forms. 8. The Minister or the Superintendent may, from time to time, make such changes in the form of such statements whether such changes are of general application or are, in the opinion of the Minister or Superintendent, necessary to meet the circumstances of any particular case, as the Minister or Superintendent may deem best adapted to elicit any information deemed necessary or expedient. \* \* \* 5 10

Form of statements during 1910. 9. Subject to any provision of this Act with reference to the preparation and filing of annual or other statements, and subject also to the right of the Minister or the Superintendent to vary the forms thereof, such statement shall, for the business of the year one thousand nine hundred and ten be in the same form as is required at the date of the passing of this Act, and thereafter the schedules to this Act shall come into full force and effect. 15

Statements by foreign and other companies. 32. Every company incorporated or legally formed elsewhere than in Canada, licensed under this Act, and every company which is subject to the provisions of this Act shall make annual statements of its condition and affairs, at the balancing day of the company in each year, and the form and manner of making such statement shall, as to the Canadian business of such company, be the same, so far as applicable, as is required of Canadian companies; and, as to its general business, shall be in such form as such company is required by law to furnish to the government of the country in which its head office is situated. 20 25

Form in case of foreign company. 2. Where such company is not required by law to furnish a statement to the government of the country in which its head office is situate, then such statement, as to its general business, shall be in such form as the company usually submits to its members or shareholders. 30

I dem. 3. In the event of no such statement being submitted to such members or shareholders, then such statement shall show in concise form the assets and liabilities of the company at such balancing day, and the income and expenditure of the company for the year ending on such balancing day. 35

To be deposited with Superintendent. 4. The annual statements mentioned in the last preceding section, and the statements of Canadian business provided for in this section, shall be deposited in the \*Department\* on the first day of January next following the date at which the condition and affairs of the company are thereby shown, or within two months thereafter. 40

Forms supplied. 5. The blank forms of the statements of the Canadian business shall be supplied by the Superintendent. 45

Time for depositing. 33. The statement of general business provided for in the last preceding section shall be deposited in the \*Department\* within thirty days after it is required by law to be made to the government of the country in which the head office of the company whose statement it is, is situate, or within thirty days after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first occurs: Provided that no such statement of general business need be so deposited earlier than the first day of June, nor shall 50

General statement.

it be so deposited later than the thirtieth day of June next following the date at which the condition and affairs of the company are thereby shown. Variation.

34. Such statements shall, as to the Canadian business, be verified by the oath of the company's agent in Canada; and, as to the general business, be verified by the oath of the president, vice-president or managing director, and the secretary, manager or actuary of the company. To be verified on oath.

35. Such company shall keep at the agency in Canada records and documents sufficient to enable the agent to prepare and furnish the required statement of Canadian business, and such that the said statement may be readily verified therefrom: Provided that in the case of any company having in Canada in addition to such agent, one or more general agents reporting to the head office, and not to such agent, it shall be sufficient for the company to keep on file at the agency, in addition to the necessary records and documents relating to the business transacted by or through such agent, annual statements of the business transacted by each such general agent, duly verified by the oath of each such general agent, and such additional records and documents, transmitted through the company's head office as shall, taken together, show the company's entire Canadian business: Provided further that the Superintendent shall be at liberty, if he considers it necessary or desirable so to do, to visit the head office of the company, and there to examine the books, records, vouchers, receipts and other documents of such company relating to its business within Canada, for the purpose of checking and verifying the said statement of such business and the schedules or other documents relating to or forming part thereof, and shall have power to make all necessary corrections in said statement, in accordance with the information obtained from said books, records and documents; and if such company declines to permit such examination, or refuses to give any information necessary for such purpose in its possession or control, its license may be suspended or withdrawn by the Minister. Records and documents to be kept by chief agent. Fewer required in some cases. Examination of books at head office in foreign country.

\*36.\* The said annual statements of the business of such general agents shall, when kept on file as aforesaid, be made up to the thirty-first day of December in each year, and blank forms for such statements shall, on application, be furnished by the Superintendent. Time up to which annual statements are made.

\* \* \* \* \*

*Superintendent and his duties.*

37. The Governor in Council may appoint an officer, to be called the Superintendent of Insurance, who shall have the rank of a deputy head of a department, and all the powers, rights and privileges of a deputy head so far as regards matters relating to or arising out of the administration of this Act, [and such officer shall be paid such salary, not exceeding five thousand dollars per annum, as the Governor in Council may from time to time fix and determine.] Rank and powers of Superintendent.

To act under Minister. 2. The Superintendent shall act under the instructions of the Minister, and shall examine and report to the Minister, from time to time, upon all matters connected with insurance, as carried on by the several companies licensed to do business in Canada, or required by this Act to make returns of their affairs. 5

\*3. *The branch of the Civil Service by which the provisions of this Act are administered shall be known as the Department of Insurance.\**

Duties of Superintendent. 38. The Superintendent shall keep a record of the several documents required to be filed by each company in the superior courts of Canada, under this Act, and shall— 10

Securities. (a) enter in a book, under the heading of such company, the securities deposited on its account with the Minister, naming in detail the several securities, their par value, their date of maturity, and value at which they are received as deposit; and such book shall be left open to public inspection; 15

Report as to licenses. (b) in each case, before the issue of any new license, or the renewal of any license, make a report to the Minister that the requirements of the law have been complied with, and that from the statement of the affairs of the company it is in a condition to meet its liabilities; 20

Record of. (c) keep a record of the licenses as they are issued; Visit head office. (d) visit personally, or cause a duly qualified member of his staff to visit, the head office of each company in Canada, at least once in every year, and examine carefully the statements of the condition and affairs of each company, as required under this Act, and report thereon to the Minister as to all matters requiring his attention and decision. 30

Annual report. (e) prepare for the Minister, from the said statements, an annual report, showing the full particulars of each company's business, together with an analysis of each branch of insurance, with each company's name, giving items, classified from the statement made by each company. 35

Inspection visits to companies. 39. If the Superintendent, after a careful examination into the condition and affairs and business of any company licensed to transact business in Canada, from the annual or other statements furnished by such company to the Minister or for any other cause, deems it necessary and expedient to make a further examination into the affairs of such company and so reports to the Minister, the Minister may, in his discretion, instruct the Superintendent to visit the chief agency of such company, to thoroughly inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition and ability to meet its engagements, and whether it has complied with all the provisions of this Act applicable to its transactions. 40 45

Officers of companies to open books for inspection. 2. The officers or agents of such company shall cause their books to be open for the inspection of the Superintendent, and shall otherwise facilitate such examination so far as it is in their power. 50

3. For the purpose of such inquiry, the Superintendent may examine under oath the officers or agents of such company relative to its business. Examination under oath.

40. A report of all companies so visited by the Superintendent shall be entered in a book kept for that purpose, with notes and memoranda showing the condition of each company, after such investigation. Report of visits.

2. A special report shall be communicated in writing to the Minister, stating the Superintendent's opinion as to the standing and financial position of every company so visited, and all other matters desirable to be made known to the Minister. Special report to Minister

41. If it appears to the Superintendent that the assets of any company are insufficient to justify its continuance of business, *having regard to the requirements of sections 14 to 20 inclusive of this Act*, or that it is unsafe for the public to effect insurance with it, he shall make a special report on the affairs of such company to the Minister. Report when assets become insufficient.

2. If the Minister, after full consideration of the report, and after a reasonable time has been given to the company to be heard by him, and upon such further inquiry and investigation as he sees proper to make, reports to the Governor in Council that he agrees with the Superintendent in the opinion so expressed in his report, the Governor in Council may, if he also concurs in such opinion, suspend or cancel the license of such company. Governor in Council may suspend license of company.

3. Such company shall, during such suspension or cancellation, be held to be unlicensed and unauthorized to do further business. *\*The Superintendent may, however, issue such modified or conditional license as may be necessary for the protection of policyholders.\** Effect of suspension.

42. Once in every five years, or oftener at the discretion of the Minister, the Superintendent shall himself value *by the net premium method*, or procure to be so valued under his supervision, all the policies of life insurance of Canadian companies, and the Canadian policies of life insurance companies other than Canadian companies, licensed under this Act to transact the business of life insurance in Canada. Valuation of policies of life insurance in Canada.

2. Such valuation shall, as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits declared in respect thereof, be based on the British Offices Life Tables, 1893, O<sup>m</sup> (5), and on a rate of interest of three and one-half per cent per annum; and as to policies issued prior to the said date, and bonus additions or profits declared in respect thereof, such valuation shall, until the first day of January, \* \* \* one thousand nine hundred and fifteen, be based on the said mortality table, and a rate of interest of four per cent per annum; and on and after the first day of January, one thousand nine hundred and fifteen, be based on the same mortality table, and a rate of interest of three and one-half per cent per annum. Basis of valuation.

3. *It shall be allowable for any Canadian company, in preparing its statement of liabilities, to deduct from the value of* Deduction from value of policies.

its policies, as ascertained in accordance with sub-section 2 of this section, an amount ascertainable in the manner following, namely: in the case of any policy, the net annual premium upon which is not less than the corresponding net annual premium for a whole life insurance with uniform premiums throughout life, the difference between the said whole life premium and the corresponding net premium for a one-year term insurance shall constitute the amount to be deducted as aforesaid in respect of such policy at the date of its issue; such difference, however, to be diminished each year by an equal proportion so that upon the payment of the fifth annual premium, the value of the policy shall be the value as ascertained in accordance with subsection 2 of this section.

Annual statement to contain value of policies and deductions.

Every such company, whether it avails itself or not of the provisions of this subsection, shall set forth in its annual statement, hereinbefore referred to, the value of its policies as ascertained in accordance with subsection 2 hereof, the amount allowable by this subsection as a deduction therefrom, and such other information in respect thereto as the Superintendent may deem necessary.

Valuation of annuity contracts.

4. In this and the next following section, the word "policies" includes annuity contracts, whether immediate or deferred: Provided, however, that in the valuation of annuity contracts there shall be used the tables of mortality known as the British Offices Select Life Annuity Tables, 1893, male or female according to the sex of the nominee.

Maximum rate.

5. No such company shall at any time hereafter, except with the approval of the Treasury Board, increase its policy valuation so that the reserves in respect of all business the premium rates for which have been calculated on the basis of a rate of interest of not less than three and one-half per cent shall be higher than the reserves produced by the use of the said British Offices Life Tables, 1893, O<sup>m</sup> (5), and a rate of interest of three per cent: Provided that in the case of business the premium rates for which have been calculated on the basis of a rate of interest less than three and one-half per cent, no such company shall, except with the approval of said Board, increase its policy valuation so that the reserve in respect of said business shall be greater than the reserves produced by the use of the said tables and a rate of interest one-half per cent less than the rate upon which such premium rates have been calculated.

Valuation of industrial policies.

6. Subsections 3 and 5 of this section shall not apply to the business of industrial insurance \* of the character specially dealt with in this subsection.\* Whole life industrial policies and endowment industrial policies maturing at age 80 or any higher age shall be valued upon the following basis, viz.:—policies issued in any calendar year shall be valued at the end of such calendar year as if then just issued and at the end of succeeding calendar years as if in force, one, two, three or more entire years as the case may be.

Report to Treasury Board.

43. If it appears to the Superintendent that the liabilities of any Canadian life insurance company, including matured claims and the full reserve or reinsurance value for outstanding policies estimated or computed on the basis mentioned in the last preceding section, exceed its assets, he shall report the fact to the Treasury Board; and the Treasury Board, after full con-

sideration of the matter and after a reasonable time has been given to the company to be heard by the board, may,—

- (a) forthwith withdraw the company's license; or,  
 5 (b) upon such terms and conditions as the board deems proper, limit a time, not exceeding three years, within which such company shall make good the deficiency, during which term the company's license shall be continued.

Withdrawal  
of license  
Continuation  
on terms.

2. Upon the company's failure to make good such deficiency within the time so limited, its license shall be withdrawn: Pro-  
 10 vided that if the company's liabilities exceed its assets by twenty per cent or upwards, its license shall be forthwith withdrawn.

Failure to  
comply with  
terms.

44. For the purpose of carrying out the provisions of the last preceding section, the Treasury Board may, upon the  
 15 recommendation of the Minister, appoint such actuaries, valuers or other persons as the Board deems proper, to value and appraise the company's liabilities and assets, and report upon its condition and its ability, or otherwise, to meet its engagements.

Valuators  
may be  
appointed.

- 20 45. For the purpose of carrying out the provisions of this Act, the Superintendent is hereby authorized and empowered to address any inquiries to any insurance company licensed under this Act, or to the president, manager, actuary or secretary thereof, in relation to its assets, investments, liabilities,  
 25 doings, or condition, or any other matter connected with its business or transactions, and it shall be the duty of any company so addressed to promptly reply in writing to any such inquiries. *The Superintendent may in his discretion embody in his annual report to the Minister the inquiries made by him under*  
 30 *this subsection and the answers thereto.*

Inquiries  
from  
company  
and reply.

2. *In the case of any violation of any of the provisions of this Act by a company licensed thereunder to carry on business within Canada, or in the case of failure to comply with any of the provisions of its charter or Act of incorporation by any Canadian*  
 35 *company so licensed, it shall be the duty of the Superintendent to report the same to the Minister, and thereupon the Minister may, in his discretion, withdraw the company's license or may refuse to renew the same or may suspend the same for such time as he may deem proper.*

Suspension of  
license for  
violation of  
Act.

- 40 3. *The issue by a company of policies not authorized by its license shall be deemed a violation of the provisions of this Act within the meaning of the preceding subsection.*

Issue of un-  
authorized  
policy a  
violation.

46. The Minister may, from time to time, instruct the Superintendent to visit the head office of any company licensed under  
 45 this Act and incorporated or legally formed elsewhere than in Canada, and to examine into the general condition and affairs of such company.

Examination  
at head office  
of foreign  
company.

2. If such company declines to permit such examination, or refuses to give any information desired for such purpose in its  
 50 possession or control, its license shall be withdrawn by the Minister.

Company  
refusing  
examination.

*Office Expenses.*

Contributions of certain companies towards office expenses. **47.** Every company licensed under this Act, and every company transacting life insurance business under this Act, having ceased to transact such business before the thirty-first day of March, one thousand eight hundred and seventy-eight, and having before that date given written notice to that effect to the Minister, shall annually contribute a sum in proportion to the gross premiums received by it in Canada during the previous year, towards defraying the expenses of the \*Department,\* which shall be paid upon the demand of the Superintendent. 5 10

*Officers and Clerks.*

Appointment of officers and clerks. **48.** The Governor in Council may, from time to time, appoint such officers and clerks under the Superintendent, as are necessary for the purpose of this Act.

Superintendent or officers not to be interested in any company. **49.** The Superintendent, or any officer or clerk under him, shall not, directly or indirectly, be interested as a shareholder in any insurance company doing business in Canada or licensed under this Act. 15

*Annual Report.*

Annual report to be laid before Parliament. **50.** The Minister shall lay the Superintendent's annual report before Parliament within thirty days after the commencement of each session thereof. 20

*Change of Head Office, and Date of Annual Meeting.*

Company may, **51.** Notwithstanding anything contained in its Act of incorporation, any insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the said Parliament, may— 25

By by-law of shareholders. (a) if the company has no members other than shareholders entitled to vote, by by-law passed and approved of by the votes of shareholders, representing at least two-thirds in value of the subscribed capital of the company, present or represented at a special general meeting duly called for considering the by-law; or, 30

By by-law of members. (b) if the company has no shareholders, by by-law passed and approved of by the votes of two-thirds of the members present or represented at a special general meeting duly called for considering the by-law; or, 35

By by-law of shareholders and members. (c) if the company has both shareholders and members entitled to vote, by by-law passed and approved of by at least two-thirds of the votes cast by such shareholders and members at a special general meeting duly called for considering the by-law; 40

Change head office in Canada. (1) change the head office of such company from any place in Canada to any other place in Canada, or

Change date of annual meeting. (2) *change the date for holding its annual general meeting.*

## Amalgamation and Transfer.

52. Any life insurance company which is within the legislative power of the Parliament of Canada may amalgamate its property and business with those of any other such life insurance company or may transfer all or any portion of its policies to or
- 5 reinsure the same in any other such company, and may transfer its property and business or any part thereof to any other such company, or may reinsure the policies or any portion thereof of any other such company, or may purchase and take over the business and property or any portion thereof of any other such company, and such companies are hereby authorized to enter into all contracts and agreements necessary to such amalgamation, transfer or reinsurance upon compliance with the conditions hereinafter in this section set forth.
2. Any life insurance company which is within the legislative power of the said Parliament is hereby authorized to enter into an agreement or agreements with any other life insurance company which has power to make the same; to reinsure the policies or any portion thereof of such other company; or to purchase and take over the business or property or any portion thereof of such other
- 15 company.
3. When an agreement for any such amalgamation, transfer or reinsurance has been entered into, the directors of the companies which are parties to such agreement may apply by petition to the Treasury Board to sanction and confirm the same, and the Treasury
- 20 Board, after hearing the directors and other persons whom it considers entitled to be heard upon the petition, or giving them an opportunity to be so heard, may confirm the same if it is satisfied that no sufficient objection to the arrangement has been established.
4. Before any such application is made to the Treasury Board notice thereof together with—
- 30 (a) a statement of the nature and terms of the amalgamation, transfer or reinsurance as the case may be; and,
- (b) an abstract containing the material facts embodied in the agreement under which such amalgamation, transfer or
- 35 reinsurance is proposed to be effected; and,
- (c) copies of the actuarial or other reports upon which such agreement is founded, \*including a report by an independent actuary,\*
- shall \* \* \* be served on the shareholders and on the holders of all policies other than industrial policies of \*each\* company. \*Provided, however, that the Superintendent may dispense with the service of such documents on the policyholders of the reinsuring company.\*
- 40 Such notice and documents shall be served by being transmitted through the post office directed to the registered or other known address of each such shareholder and policyholder, and within such period that they may be delivered in due course of delivery thirty days at least before the day appointed for the hearing of the application.
- 50 The agreement under which such amalgamation, transfer or reinsurance is proposed to be effected shall be open to the inspection of the policyholders and shareholders at the principal office of the company or companies for a period of thirty days after the issue of the abstract herein provided for.

Amalgamation, transfer of business and reinsurance.

By life companies.

Sanction of Treasury Board.

Notice of application to Board.

Service on policyholder.

Agreement open to inspection.

5. A copy of such notice shall also be published in The Canada Gazette at least thirty days before the application is made; \*but this subsection shall not apply to any company which issues industrial insurance.\*
6. The Treasury Board shall not sanction any amalgamation, transfer or reinsurance in any case in which it appears to the Board that the policyholders representing one-fifth or more of the total amount assured in any company which it is proposed to amalgamate, or in any company the business of which it is proposed to transfer or reinsure, dissent from such amalgamation, transfer or reinsurance.
7. No company \* \* \* shall be permitted to amalgamate its business with, transfer its business to, or re-insure its business in any other company if the capital of the combined companies after such amalgamation, or of the continuing company after such transfer or re-insurance, shall be impaired, the policy and annuity liabilities of the combined or continuing company being calculated on the basis prescribed in subsections 2, 4 and 6, respectively, of section 42 of this Act.
8. When an amalgamation takes place between any companies or when the business of one company is transferred to or reinsured in another company, the combined company or the continuing company, as the case may be, shall within ten days from the date of the completion of the amalgamation, transfer or reinsurance, deposit with the Superintendent the following documents, that is to say:—
- (a) Certified copies of the statements of the assets and liabilities of the companies concerned in such amalgamation, transfer or reinsurance; and
  - (b) A statement of the nature and terms of the amalgamation, transfer or reinsurance; and
  - (c) A certified copy of the agreement under which such amalgamation, transfer or reinsurance is effected; and
  - (d) Certified copies of the actuarial or other reports upon which such agreement is founded; and,
  - (e) A declaration under the hands of the president and manager of each company that to the best of their knowledge and belief every payment made or to be made to any person whatsoever on account of the said amalgamation, transfer or reinsurance is therein fully set forth, and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, valuable securities or other property by or with the knowledge of any of the parties to the amalgamation, transfer or reinsurance.
9. No company shall amalgamate with another company, transfer its business to or reinsure its business in another company unless such amalgamation, transfer or reinsurance is sanctioned by the Treasury Board in accordance with this section. Provided, however, that this section shall not apply to the contracts of reinsurance made by companies in the ordinary course of their business.
10. Subsections 4, 5 and 6 of this section shall not apply to the reinsurance by a Canadian company of the business of a company which is not and never has been licensed to transact business in Canada.

Publication of notice.

Opposition by policyholders.

No company with impaired capital to amalgamate.

Deposit of documents after completion of amalgamation, etc.

Sanction of Treasury Board essential.

Proviso.

Reinsurance by unlicensed company.

53. No life insurance company licensed under this Act, nor any person, firm or corporation on its behalf, shall, in respect of its Canadian business, pay or allow to any agent, broker or other person, firm or corporation for procuring an application for life insurance, for collecting any premium thereon or for any other service performed in connection therewith, any compensation other than that which has been determined in advance. \* \* \*

Additional commissions.

54. No such life insurance company, and no person, firm or corporation on its behalf, shall make any loan or advance without adequate security, to any person, firm or corporation soliciting or undertaking to solicit applications for insurance; nevertheless advances may be made to any such person, firm or corporation for travelling expenses or against commissions or other compensation \*to be earned in respect of premiums, but such advances shall not be allowed as assets in the Superintendent's annual report prepared for the Minister.\*

Advances to agents.

\*55. No salary, compensation or emolument shall be paid to any director of a Canadian life insurance company for his services as such director unless authorized by a vote of the members in the case of a mutual company, and by a vote of the shareholders and other members, if any, in the case of a company having capital stock. No salary, compensation or emolument shall be paid to any officer or trustee of any such company unless authorized by a vote of the directors, nor shall any salary, compensation or emolument amounting in any year to more than five thousand dollars be paid to any agent or employee unless the contract (if made after the passing of this Act) under which such amount becomes payable has been approved by the board of directors.\*

Salaries of officers and agents.

56. No Canadian life insurance company shall make any agreement with any of its officers \*or\* trustees, \* \* \* to pay for any services, rendered or to be rendered, any salary, compensation or emolument extending beyond a period of \*five\* years from the date of such agreement.

Salary agreement, for not more than 5 years.

57. No Canadian life insurance company shall make any contract with any director, trustee, officer, employee or servant of the company, save such agents as are employed to solicit insurance, to pay any compensation or reward whatever by way of commissions in respect of the business of the company or any portion thereof: Provided, however, that this subsection shall not apply to insurance personally solicited and secured outside of office hours by any employee or servant not being a director, trustee or officer of the company.

Commissions to agents only.

2. For the purpose of conducting the affairs of the company in the most efficient manner in the interest of the policy-holders and shareholders, the directors may make by-laws providing for the creation of a staff pension fund, but such by-laws shall before becoming effective be submitted to and be approved of at an annual meeting of the company or at a special general meeting of the members thereof, notice of the intention to consider such by-laws having been in either case duly given.

Pension fund may be created.

## Investments.

Uniform powers of investment.

**58.** The powers of lending and investment prescribed by this Act shall be the powers of lending and investment of all companies licensed to carry on the business of life insurance in Canada, and which are within the legislative power of the Parliament of Canada. With respect to companies incorporated or legally formed elsewhere than within Canada and licensed to carry on such business in Canada, all assets and investments which under section 20 of his Act may be vested in trust for the company for the purposes of this Act in two or more persons resident in Canada, or in a Canadian trust company, shall be of the classes of investment permitted by this Act to Canadian companies. Any provision in any Special Act or elsewhere conferring upon any company within the legislative power of the Parliament of Canada any other or wider powers of loaning and investment is hereby repealed.

Repeal of wider powers.

Disposal of unauthorized securities within 5 years.

2. Any Canadian company having on hand or vested in trustees in trust for the company at the date of the coming into force of this \*section\*, any loans or investments or securities representing the same, which such company was not legally authorized to make or acquire at the time such loans or investments were made or such securities acquired, shall absolutely dispose of and realize the same within five years after this \*section\* comes into force, unless such loans or investments are then valid and competent under the provisions of this Act.

By foreign companies.

3. Any company other than a Canadian company having vested in trustees pursuant to section 20 of this Act at the date of the coming into force of this \*section\* any securities or investments which but for this section would have been valid and competent but, which, by reason thereof are not valid and competent shall within five years after this \*section\* comes into force withdraw the same from the hands of its said trustees and replace them with securities such as are provided for in subsection 1 of this section.

Extension of time.

4. The Governor in Council on the report of the Minister may for good cause shown enlarge the respective times mentioned in the two next preceding subsections for dealing with the securities vested in the company or in the trustees as required by the said subsections for any term not exceeding one year.

Commencement of section.

5. This section shall take effect on the first day of January, one thousand nine hundred and eleven.

Investment of company's funds.

**59.** Any life insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may invest its funds, or any portion thereof, in the purchase of,—

In government securities.

(a) The debentures, bonds, stocks or other securities of or guaranteed by the Government of the Dominion of Canada or of or guaranteed by the Government of any province of Canada; or of or guaranteed by the Government of the United Kingdom, or of any colony or dependency thereof; or of or guaranteed by the Government of any foreign country, or state forming a portion of such foreign country; or of any municipal or school corporation in Canada, or elsewhere where the company is carrying on business; \*or guaranteed by any municipal corporation in Canada\*;

- (b) (i) The bonds of any company which bonds are secured by a mortgage \*or hypothec\* to trustees or a trust corporation or otherwise, upon real estate or other assets, of such company; or, Bonds secured by mortgage.
- 5 (ii) The debentures or other evidences of indebtedness of any company, which has been doing business for a term of not less than three years prior to the date of such investments, provided default shall not have been made by such company in the interest payments upon its debentures or other evidences of indebtedness within the said period of three years prior to such investment; or, Debentures
- 10 \*(iii) The preferred stocks of any company which has paid regular dividends upon such stocks or upon its common stocks for not less than five years preceding the purchase of such preferred stocks, or the stocks of any company which are guaranteed by a company which has paid regular dividends upon its preferred or common stocks for not less than five years preceding the purchase of such guaranteed stocks; or,\* Preferred stock.
- 15 (iv) The common stocks of any such company upon which regular dividends of at least four per cent per annum have been paid for the seven years next preceding the purchase of such stocks. Provided that not more than \*thirty\* per cent of the common stocks and not more than \*thirty\* per cent of the total issue of the stocks of any company shall be purchased by any such life insurance company, and that no company shall be permitted to invest in its own shares or in the shares of another life insurance company; or, Common stock.
- 20 (c) Ground rents, mortgages \*or hypothecs\* on real estate in Canada, or elsewhere where the company is carrying on its business, provided that the amount paid for any such mortgage \*or hypothec\* shall in no case exceed sixty per cent of the value of the real estate covered \*thereby\*;\* or, Real estate mortgages.
- 25 (d) Life or endowment policies or contracts issued by the company or by any other life insurance company licensed to transact business in Canada. Life policies
- 30 2. Any such life insurance company may lend its funds or any portion thereof on the security of— Lending funds.
- 35 (a) any of the bonds, debentures, stocks or other securities mentioned in the preceding subsection; or,
- 40 (b) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the company is carrying on business: Provided, however, that no such loan shall exceed sixty per cent of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit a company from accepting as part payment for real estate sold by it, a mortgage \*or hypothec\* thereon for more than sixty per cent of the sale price of such real estate.
- 45 \*3. The Treasury Board may authorize the acceptance by a company of bonds, stocks or debentures not fulfilling the foregoing requirements of this section (a) in payment or part payment for securities sold by such company, or (b) obtained under a bona fide arrangement for the reorganization of a company whose securities were previously owned by such company, or for the amalgamation
- 50 Other securities authorized by Treasury Board.
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with another company of the company whose securities were so owned.\*

No loan to director or officer.

4. No such life insurance company shall loan any of its funds to any director or officer thereof except on the security of the company's own policies.

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When section in force.

5. This section shall take effect on the first day of January, one thousand nine hundred and eleven.

Deposits outside Canada.

60. Any such life insurance company may deposit outside of Canada such portion of its funds \*and securities\* as is necessary or desirable for the maintenance of any foreign branch or branches; provided that such deposit in any foreign country for all branches therein shall not exceed by more than one hundred thousand dollars Canadian currency the sum which is required to be deposited by the foreign law, or the amount of the reserves on the policies of such company in such foreign country, whichever is the greater. Every such company shall at all times retain in Canada and under its own control assets of a market value at least equal to the amount of its total liabilities to its policyholders in Canada and of such assets an amount at least equal to two-thirds of its said total liabilities in Canada, shall consist of investments in or loans upon Canadian securities.

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Securities to be held in Canada.

2. All the securities of every such company other than such as are referred to in subsection 1 of this section shall be held at the head office of the company or elsewhere in Canada: \*Provided however that in the event of its being necessary to remove any portion of such securities from Canada for the purpose of exchanging the same for other securities authorized under this Act, or for any similar purpose, they may be entrusted for the purpose intended to a responsible person residing outside of Canada.\*

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Interest of officers in other companies.

61. Except for the bonâ fide purpose of protecting investments previously made by it, \*and subject to the approval of the Treasury Board,\* no such life insurance company shall, nor shall its directors or officers or any of them on its behalf, under colour of an investment of the company's funds, or otherwise, directly or indirectly be employed, concerned or interested in the formation or promotion of any other company: \*Provided that nothing in this Act shall be deemed to prohibit insurance companies investing their funds in securities of a new company as provided in section 59 of this Act.\*

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Underwriting restricted.

62. No such life insurance company shall subscribe to or participate in or employ the funds of the company in any underwriting for the purchase or sale of securities or property of any kind, nor shall any director or officer, except for the bonâ fide purpose of protecting investments already made by the company, enter into any transaction for such purchase or sale on account of said corporation, jointly with any other person, firm or corporation: Provided that this section shall not be deemed to prohibit the subscription in manner aforesaid for bonds or securities permitted by this Act as a bonâ fide permanent investment on behalf of any such company.

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Exception as to permanent investments.

Investment by companies other than life companies.

63. Any insurance company, other than a life insurance company, which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may invest its

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funds, or any portion thereof, in the purchase of any of the bonds, stocks, debentures, or other securities in which a life insurance company is by this Act hereinbefore authorized to invest its funds, except annuity contracts, or life, endowment or  
 5 other policies of life insurance, or may lend its funds, or any portion thereof, on the security of any of such bonds, stocks, debentures or other securities aforesaid, except annuity contracts, or life, endowment or other policies of life insurance as aforesaid.

- 10 **2.** Any such company may deposit outside of Canada such portion of its funds and securities as is necessary to the maintenance of any foreign branch or branches, but all other securities of such company shall be held at the head office of the company or elsewhere in Canada; \*nevertheless the proviso contained in sub-  
 15 section 2 of section 60 of this Act shall apply to such securities.\*

Deposits outside of Canada.

Securities to be held in Canada.

- 64.** Any company which derives its corporate powers or any of them from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may take any additional securities of any nature to further secure  
 20 the repayment of any liability thereto, or to further secure the sufficiency of any of the securities in or upon which such company is by this Act authorized to invest or lend any of its funds.

Additional security to secure repayment of liabilities.

- 65.** Such securities may be taken and accepted either in the name of the company or in the name of any officer of the com-  
 25 pany or other person in trust for the company.

Securities, how taken.

- 66.** Any loan by this Act authorized to be made may be on such terms and conditions, and in such manner and at such times, and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest to-  
 30 gether, as the directors from time to time determine.

Terms, manner and amount of loans.

- 67.** Notwithstanding anything contained in its Act of incorporation, or in any Act amending it, any insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative  
 35 power of the said Parliament, may hold such real estate as is required for its actual use and occupation or such as may reasonably be required for the natural expansion of its business (including such as having been lawfully acquired is vested in it at the time of the passing of this Act) or such as is *bonâ fide* mortgaged to it by  
 40 way of security, or conveyed to it in satisfaction of debts or judgments recovered: \*Provided that any such company which transacts business in the United Kingdom may with the consent of the Treasury Board acquire and hold such real estate therein as its directors deem necessary for the use of the company's  
 45 branch, or the expansion of its business in the said United Kingdom:\* Provided further that no parcel of land or interest therein, at any time acquired by such company and not required for its actual use and occupation, *present or prospective, as here-  
 inbefore in this section mentioned*, and not held by way of security,  
 50 shall be held by such company or any trustee on its behalf, for a longer period than twelve years after the acquisition thereof, but shall, at or before the expiration of such period, be absolutely

Company may hold real estate.

Limitation as to time.

sold and disposed of, so that such company shall no longer retain any interest therein, except by way of security.

Forfeiture  
of lands.

2. Any such parcel of land, or any interest therein, not within the exceptions hereinbefore mentioned, which has been held by such company for a longer period than twelve years without being disposed of, shall be *liable to be forfeited* to His Majesty for the use of Canada: Provided that:—

Notice of  
intention.

(a) No such forfeiture shall take effect until the expiration of at least six calendar months after notice in writing to the company by the Minister of the intention of His Majesty to claim the forfeiture; and

Company  
may sell  
before  
forfeiture is  
effected.

(b) *The company may, notwithstanding such notice, before the forfeiture is effected, sell or dispose of the property free from liability to forfeiture.*

Statement  
as to lands.

3. It shall be the duty of such company to give the Minister when required a full and correct statement of all lands at the date of such statement held by the company, or in trust for it, and subject to the foregoing provisos.

Appraise-  
ment of real  
estate by  
direction of  
Superinten-  
dent.

**68.** *If upon an examination of the assets of a Canadian company or in the case of a company incorporated or legally formed elsewhere than in Canada and licensed under this Act, the assets in Canada of such company as defined in subsection 2 of section 20 of this Act, it appears to the Superintendent, or if he has any reason to suppose, that the value placed by the company upon the real estate owned by it or any parcel thereof is too great, he may either require such company to procure an appraisement of such real estate by one or more competent valuers, or may himself procure such appraisement at the company's expense and the appraised value, if it varies materially from the return made by the company, may be substituted in the annual report prepared for the Minister by the Superintendent. If, upon such examination, it appears to the Superintendent, or if he has any reason to suppose that the amount secured by mortgage \*or hypothec\* upon any parcel of real estate together with the interest due and accrued thereon, is greater than the value of such parcel, or that such parcel is not sufficient security for such loan and interest, he may in like manner require the company to procure an appraisement thereof, or may himself at the company's expense procure such appraisement, and if from the appraised value it appears that such parcel of real estate is not adequate security for the loan and interest, he may write off such loan and interest a sum sufficient to reduce the same to such an amount as may fairly be realizable from such security, in no case to exceed such appraised value, and may insert such reduced amount in his said annual report.*

Special audit  
of books by  
direction of  
Superinten-  
dent

2. *If upon any examination of a Canadian company's affairs it appears to the Superintendent for any reason desirable that a complete and thorough audit of the books of the company should be made or if a company makes a written request for such audit, the Superintendent may nominate a competent accountant who shall, under the direction of the Superintendent, make a special audit of the company's books, accounts and securities and report thereon to the Superintendent in writing verified by the oath of such accountant. The expenses of such special audit shall be borne by the company and the auditor's account therefor when*

approved in writing by the Superintendent shall be conclusive and shall be payable by the company forthwith.

*Penalties and Forfeitures.*

69. Every company which makes default in depositing in the \*Department\* the annual and other statements herein provided for, \* \* \* shall incur a penalty of ten dollars for each day during which such default continues.

Default in depositing with Superintendent annual statement.

2. All such penalties shall be recoverable and enforceable with costs at the suit of His Majesty, instituted by the Attorney General of Canada, and shall when recovered be applied towards payment of the expenses of the \*Department\*.

Penalty. Recovery of penalty.

3. If such penalties are not paid, the Minister, with the concurrence of the Treasury Board, may order the license of such company to be suspended or withdrawn as is deemed expedient, and until such penalties are paid, the license of such company shall not on expiry be renewed.

Suspension of license in default of payment.

\*70. Every person who:—

Penalty.

(a) In Canada, for or on behalf of any individual underwriter or underwriters, or any insurance company not possessed of a license provided for by this Act in that behalf and still in force, solicits or accepts any risk, or grants any annuity or advertises for, or carries on any business of insurance, or prosecutes or maintains any suit, action or proceeding, or files any claim in insolvency relating to such insurance, or, acting as an insurance agent, receives directly or indirectly any remuneration from any British or foreign unlicensed insurance company or underwriters; or, except as provided for in section 139 of this Act, issues or delivers any receipt or policy of insurance, or collects or receives any premium, or inspects any risk, or adjusts any claim; or

(b) except only on policies of life insurance issued to persons not resident in Canada at the time of issue, collects any premium in respect of any policy; and

every director, manager, agent, or other officer of any assessment life insurance company subject to Part II of this Act, and every other person transacting business on behalf of any such company, who circulates or uses any application, policy, circular or advertisement on which the words "Assessment System" are not printed as required by Part II of this Act;\*

shall, on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for a first offence, be liable to a penalty not exceeding fifty dollars and costs, and not less than twenty dollars and costs, and in default of payment, to imprisonment with or without hard labour for a term not exceeding three months and not less than one month; and for a second or any subsequent offence, to imprisonment with hard labour for a term not exceeding six months and not less than three months.

Penalty.

71. All informations or complaints for any of the aforesaid offences shall be made or laid in writing within one year after the commission of the offence.

Limitation of actions.

Assessment Company to print certain words on policies, etc.	<p><b>72.</b> Every assessment life insurance company which neglects to print the words <i>Assessment System</i> on any policy, application, circular or advertisement, as required by Part II of this Act, and</p> <p>2. Every company which—</p> <p>(a) carries on, without receiving the license required by Part IV. of this Act, any business of insurance for the carrying on of which a license is by Part IV. of this Act required; or</p> <p>(b) carries on any such business after any such license received has been revoked,—</p> <p>shall, on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for every offence be liable to a penalty not exceeding fifty dollars and costs and not less than twenty dollars and costs.</p>	<p>5</p> <p>10</p> <p>15</p>
Carrying on business without license under Part IV.		
After revocation.		
Penalty.		
Application of penalty.	<p><b>73.</b> <i>One-half of any pecuniary penalty specified in the preceding sections of this Act when recovered shall belong to His Majesty and the other half thereof to the informer.</i></p>	
Assessment company failing to make attested returns.	<p><b>74.</b> Every assessment life insurance company, obtaining the exemption provided for by Part II. of this Act, which fails to make attested returns of its condition and affairs when called for by the Superintendent, as required by Part II. of this Act, and every officer of any such company whose duty it is to make such attested returns, shall, for each day during which such failure continues, be liable to a penalty of ten dollars.</p>	<p>20</p> <p>25</p>
Penalty.		
Contracts prior to 20th July, 1885.	<p><b>75.</b> Notwithstanding anything hereinbefore mentioned, in case of any contract entered into or any certificate of membership or policy of insurance issued before the twentieth day of July, one thousand eight hundred and eighty-five, by any assessment life insurance company, assessments may be made and collected, and claims paid, and all business connected therewith transacted without any penalty being incurred.</p>	<p>30</p>
No penalty.		

*Voting by Proxy.*

Voting by proxy: companies other than life.	<p><b>76.</b> <i>The provisions of this section shall extend and apply to every company other than a life insurance company having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name, and also to every mutual insurance company within the legislative power of the Parliament of Canada.</i></p>	<p>35</p>
Application.	<p>2. <i>The said provisions shall so extend and apply, notwithstanding anything to the contrary in any special Act relating to such companies or in any by-law or by-laws thereof.</i></p>	<p>40</p>
Proxy must be shareholder.	<p>3. <i>At all meetings at which holders of shares in the capital stock or guarantee capital, policyholders, or members are entitled to vote, they may respectively vote by proxy and every proxy must be himself a shareholder, policyholder or member and entitled to vote.</i></p>	

\* \* \* \* \*

## Investments—Annual Report.

77. In his annual report prepared for the Minister under the provisions of paragraph (e) of section 38 of this Act, the Superintendent shall, \*after the first day of January, 1911,\* allow as assets only such of the investments of the several companies as are authorized by this Act, or by their Acts of incorporation or by the general Acts applicable to such investments.

Permissible investments only to be allowed as assets.

2. In his said report the Superintendent shall make all necessary corrections in the annual statements made by the companies as herein provided and shall be at liberty to increase or diminish the liabilities of such companies to the true and correct amounts thereof as ascertained by him in the examination of their affairs at the head office thereof in Canada, or otherwise.

Superintendent's correction of annual statements.

3. An appeal shall lie in a summary manner from the ruling of the Superintendent as to the admissibility of any asset so disallowed by him, or as to any item or amount so added to liabilities, or as to any correction or alteration made in any statement, or as to any other matter arising in the carrying out of the provisions of this Act, to the Exchequer Court of Canada, which court shall have power to make all necessary rules for the conduct of appeals under this section.

Appeal to Exchequer Court.

4. For the purposes of such appeal the Superintendent shall at the request of the company interested give a certificate in writing setting forth the ruling appealed from and the reasons therefor, which ruling shall, however, be binding upon the company unless \*the Company shall within fifteen days after notice of such ruling serve upon the Superintendent notice of its intention to appeal therefrom, setting forth the grounds of appeal, and within fifteen days thereafter file its appeal with the registrar of the said court and with due diligence prosecute the same, in which case action on such ruling shall be suspended until the court has rendered judgment thereon.

The same.

## Expiry of Charters.

78. Unless otherwise provided in any special Act passed by the Parliament of Canada after the twenty-eighth day of April, one thousand eight hundred and seventy-seven, incorporating any insurance company, such special Act and all Acts amending it shall expire and cease to be in force, except for the sole purpose of winding up such company's affairs, at the expiration of two years from the passing thereof, unless within such two years the company thereby incorporated obtains a license from the Minister under the provisions of this Act.

Charter expires unless license obtained.

Time limit.

## Reduction and Increase of Capital.

79. The directors of any company which derives its corporate powers from an Act of the Parliament of Canada or which is subject to the legislative power of the said Parliament, may, subject to the proviso hereinafter contained, in the event of its paid-up capital being impaired, at any time and from time to time, after being duly authorized and empowered by a resolution approved by the votes of shareholders representing at least two-thirds of all the subscribed

Reduction of capital by by-law.

stock of the company at a special general meeting duly called for considering such resolution, pass a by-law for writing off the said paid-up capital any amount which they have been so authorized and empowered by the shareholders as aforesaid to write off such paid-up capital, but no part of its assets shall be distributed to its shareholders: Provided, however, that the paid-up capital shall not be reduced,—

Proviso as to reduction of paid up capital.

- (a) below the minimum amount fixed by the Company's Act of incorporation as necessary to be paid up before the company can commence business, or, 10
- (b) in case no such amount is fixed by such Act of incorporation, then below the amount fixed by this Act or by the Treasury Board in pursuance of section 141 of this Act as the company's deposit on obtaining a license.

When capital is deemed impaired.

2. The capital of a company shall be deemed to be impaired when its assets, exclusive of its paid-up capital, are less than its liabilities calculated according to the requirements of this Act. 15

Declaration in by-law.

3. Such by-law shall declare the par value of the shares of the stock so reduced and the capital stock of the company shall be reduced by the amount of the reduction in the paid-up portion thereof. 20

Liability of shareholders.

4. The liability of the shareholders shall remain the same as if no reduction had been made in the paid-up capital stock of the company.

Increase of capital

30. The directors may—

- (a) from time to time out of \*that portion of\* the profits of the company \*which belongs to the shareholders,\* by declaring a stock dividend or bonus or otherwise, increase the paid up capital thereof to an amount not exceeding the amount or amounts by which the same may have been reduced under the provisions of the last preceding section, and thereafter the paid-up capital and the capital stock and each share shall represent the aggregate of the amount to which it has been so reduced and the amount of such increase so declared as aforesaid; or, 25 30

Issue of new stock.

- (b) issue new stock to an amount not exceeding the amount of such reduction, which stock shall be first offered at not less than par to the shareholders in proportion to the existing shares held by them; and such offer shall be made by notice specifying the number of shares of new stock to which each shareholder is entitled and limiting a time within which the offer, if not accepted, will be deemed to be declined, and after the expiration of such time, or on the receipt of an intimation from any shareholder to whom such notice is given that he declines to accept the shares offered, the directors may dispose of the same, at not less than par, in such manner as they think most beneficial to the company. The nominal value of the shares of new stock so issued shall be the same as the nominal value of the shares of the reduced paid-up capital stock. 35 40 45

Enlargement of license on authority of Treasury Board.

31. Any company which is within the legislative power of the Parliament of Canada, being at the time this Act goes into effect licensed to carry on business in Canada pursuant to The Insurance Act, may upon being authorized by a by-law made by the directors and confirmed at a general meeting of the company duly called for 50

that purpose and upon making such further deposit and complying with such terms and conditions as may be fixed and prescribed by the Treasury Board upon the report of the Superintendent, carry on such kind or kinds of insurance within the limits set forth in section 8 of this Act, as may be authorized by the license to be from time to time issued to the company pursuant to the provisions herein contained.

82. An Act of incorporation of an insurance company in the form F in the schedule to this Act shall confer upon the company thereby incorporated all the powers, privileges and immunities and shall subject it to all the liabilities and provisions in this Act applicable thereto.

Form of Act of incorporation.

## PART II.

### LIFE INSURANCE.

#### Application of Part.

83. This Part applies only to life insurance companies, and to other insurance companies carrying on life and other insurance, in so far only as relates to the life insurance business of such companies.

Life insurance.

#### Policies.

84. From and after the first day of January, one thousand nine hundred and eleven, every policy delivered in Canada by any life insurance company under the legislative jurisdiction of the Parliament of Canada or licensed to carry on the business of life insurance within Canada shall be deemed to contain the whole contract between the parties and no provision shall be incorporated therein by reference to rules, by-laws, application, or any other writing, unless they are endorsed upon or attached to the policy when issued.

Policy deemed whole contract.

\*2. This section shall not apply to the business of industrial insurance.\*

85. No officer, agent, employee or servant of such life insurance company nor any person soliciting insurance, whether an agent of the company or not, shall be deemed to be for any purpose whatever the agent of any person insured in respect of any question arising out of the contract of insurance between such person insured and the company.

Agent, etc., of company not to be agent of insured.

86. After the first day of January, one thousand nine hundred and eleven, no such life insurance company, and no officer, director or agent thereof shall issue or circulate, or cause or permit to be issued or circulated in Canada any estimate, illustration or statement of the dividends or shares of surplus expected to be received in respect of any policy issued by it.

Estimates forbidden.

87. No such life insurance company shall make or permit any distinction or discrimination in favour of individuals between the insured of the same class and equal expectation of life \* \* \*

Rebates, discrimination, etc., forbidden.

in the amount of premiums charged, or in the dividends payable on the policy, nor shall any agent of any such company assume to make any contract of insurance, or agreement as to such contract, whether in respect of the premium to be paid or otherwise, other than as plainly expressed in the policy issued; nor shall any such company or any officer, agent, solicitor or representative thereof pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducement to insure, any rebate of premium payable on the policy, or any special favour or advantage in the dividends or other benefits to accrue thereon, or any advantage by way of local or advisory directorship where actual service is not bona fide performed, or any paid employment or contract for services of any kind, or any \* \* \* inducement whatever \*intended to be in the nature of a rebate of premium; \*nor shall any person knowingly receive as such inducement any such rebate of premium or other such special favour, advantage, benefit, consideration or inducement; nor shall any such company or any officer, agent solicitor or representative thereof give, sell or purchase as such inducement, or in connection with such insurance, any stocks, bonds, or other securities of any insurance company or other corporation, association or partnership.

2. Each company shall deposit and keep deposited with the Superintendent a copy of its established rates for all plans of insurance, such rates in the ordinary branch, as distinguished from the industrial branch, being based upon an insurance of one thousand dollars, and shall be applicable to insurance for that amount and pro rata for greater amounts.

Exception in cases prior to Act.

3. This section shall not apply to re-insurance contracts nor to acts done in pursuance of agreements made relative to policies issued prior to the passing of this Act.

Penalty for rebating, etc.

88. Each and every person violating the provisions of the last preceding section shall for a first offence be liable to a penalty of double the amount of the annual premium on the application or policy in respect of which such violation took place, but in no case shall such penalty be less than one hundred dollars, and for a second or subsequent offence such person shall be liable to a penalty of double the amount of such annual premium, but in no case less than two hundred and fifty dollars.

Penalty for permitting rebates, etc.

2. Every director or manager or other officer of any life insurance company within the legislative jurisdiction of the Parliament of Canada or licensed under The Insurance Act to carry on the business of life insurance who violates or knowingly consents to or permits the violation of the provisions of the next preceding section by any agent, officer, employee or servant of the company shall be liable to a penalty of five hundred dollars.

Rebates, etc., and disposal of penalty.

3. The penalties provided for in this section shall be recoverable in any Court of competent civil jurisdiction at the suit of any person suing as well for His Majesty as for himself. One-half of any such penalty shall, when recovered, be applied towards payment of the expenses of the \*Department\* and the other half to the person suing.

Offenders not to be indemnified out of funds of company.

4. No such director, manager, agent, officer, employee or other servant shall be indemnified either in whole or in part either in respect of the penalty or of any costs out of the funds of the company.

89. Except as provided in section 90 of this Act every such life insurance company, anything in its special Act or elsewhere to the contrary notwithstanding, shall provide in every participating policy issued or delivered within Canada on or after the first day of January, one thousand nine hundred and eleven, that the proportion of the surplus accruing upon such policy shall be ascertained and distributed at intervals not greater than quinquennially.

Quinquennial distribution of surplus.

90. In the event of a company issuing, on and after the first day of January, one thousand nine hundred and eleven, policies which provide for the distribution of surplus or profits at less frequent intervals than quinquennially, and known as deferred dividend policies, such company shall, with respect to such policies, ascertain and apportion at least once in every five years, reckoning from the date of the policies, to each class thereof, the share in such surplus or profits to which such class is equitably entitled, and the total sum of the shares so ascertained and apportioned shall, like the reserve or reinsurance fund, be and constitute a liability of the company, and shall be charged and carried in its accounts accordingly until it has been actually distributed and paid to the policyholders entitled thereto.

Surplus under deferred dividend policies.

91. Except in the case of a term or an industrial policy, the share of surplus allotted to any \*participating\* policy issued on or after the first day of January, one thousand nine hundred and eleven, shall, at the option of the holder of the policy, be payable in cash, or be applicable to the payment of any premium or premiums, \*or otherwise if the company grants other options, \*upon said policy or to the purchase of a paid-up addition thereto; and, in the case of a term policy shall, at the holder's option, be payable in cash, or be applicable to the payment of premiums: Provided, however, that the option of the holder of a policy once exercised shall, except with the consent of the company, remain in force during the whole of the existence of the policy.

Option of policyholder.

92. Such company shall, in all cases where the insured has not elected in his application or otherwise in writing in which manner the said dividends shall be applied, mail a written notice to him, at his last known residence, of the amount of the said dividends and the options available as aforesaid; and in case the holder fails to notify the company in writing of his election within three months after the date of the mailing of said notice, the surplus shall be applied by the company in the case of a term or industrial policy in payment of any premium or premiums upon the policy, and in the case of other policies to the purchase of a paid-up addition to the sum insured.

Notice to policyholder.

If he does not make election.

2. Sections 91 and 92 shall not apply to deferred dividend policies.

93. From and after the first day of January, one thousand nine hundred and eleven, every such company shall, in respect of all participating policies issued and in force in Canada on the said first day of January, one thousand nine hundred and eleven, which provide for the distribution of surplus or profits at less frequent intervals than quinquennially and known as deferred dividend

Quinquennial apportionment of profits.

policies, ascertain and contingently apportion at least once in every five years reckoning from the date of the policies, to each class thereof, the share in such surplus or profits to which such class is contingently entitled. The total sum of the shares so ascertained and contingently apportioned shall be carried into the accounts and shall be kept separate and distinct from the undivided or unapportioned surplus and so shown. 5

Suits by policyholders against company.

**94.** Any suit, action or proceeding deemed necessary in the interest of the policyholders of any company licensed under this Act, or of any class of such policyholders, may with the consent of the Superintendent be instituted in any court of competent jurisdiction on behalf of such policyholders, by the Attorney General of Canada, against the company or the directors, trustees or other officers thereof, and any judgment recovered in any such suit, action or proceeding whether for an accounting or for any sum of money, shall enure and be applied for the benefit of such policyholders, or class thereof. 10 15

Proceedings to be instituted by Attorney General. R.S.C. 144.

2. Proceedings may at the request or with the consent of the Superintendent be instituted by the Attorney General of Canada under The Winding-up Act— 20

- (a) against any Canadian company licensed under this Act for the making of a winding-up order under said Act, to wind up the business of such company, or
- (b) against any company other than a Canadian company licensed under this Act for an order for the winding-up of its Canadian affairs and the distribution of the Canadian assets of such company pursuant to said Act. 25

Proceedings during continuance of license.

3. The proceedings mentioned in the preceding subsection may be instituted during the continuance of the license of the company upon any ground upon which such an order may be made under the provisions of The Winding-up Act, other than Part III, thereof, or after the company has become subject to the provisions of The Winding-up Act, pursuant to section 161 of the said Part III. 30

Form of policy to be approved.

**95.** On and after the first day of January, one thousand nine hundred and eleven, no policy of life insurance shall be delivered in Canada by any company licensed under this Act until a copy of the form of such policy has been mailed by prepaid registered letter to the Superintendent; and unless it contains in substance the following provisions:— 35 40

Days of grace for payment of premiums.

- (a) That the insured is entitled to a grace of thirty days within which the payment of any premium other than that of the first year may be made, subject at the option of the company to an interest charge not in excess of six per cent per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in full force; but in the event of the policy becoming a claim during the said period of grace and before the overdue premium or the deferred premiums, if any, of the current policy year are paid, the amount of such premiums with interest on any overdue premium may in settlement of the claim be deducted from the sum insured; 45 50

- 5 (b) That the insured may, *without the consent of the company*, engage in the active service of the militia of Canada, notice thereof, however, to be given by or on behalf of the insured to the company within ninety days after the date of his so engaging in such service and such extra premium to be paid during the continuance of such service as the company shall fix in pursuance of the terms of the policy. Incontestability after 2 years
- 10 (c) That, subject to the provisions of paragraph (e) of this subsection, the policy shall be incontestable after not later than two years from its date except for fraud, non-payment of premiums, or for violation of the conditions of the policy relating to engaging in military service (other than such as mentioned in the next preceding paragraph) or naval service in time of war without the consent in writing of a duly authorized officer of the company.
- 15 (d) That the policy and the endorsement thereon shall constitute the entire contract between the parties and that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties and that no such statement shall be used in defence to a claim under the policy unless it is contained in a written application and a copy of such application or such parts thereof as are material to the contract shall be endorsed upon or attached to the policy when issued; Policy and endorsement to be entire contract.
- 20 (e) That if the age of the insured has been under-stated the amount payable under the policy shall be such as the premium would have purchased at the correct age; Age under-stated.
- 25 (f) The options as to surrender values, or paid up insurance or extended insurance to which the policyholder is entitled in the event of default in a premium payment after three full annual premiums have been paid; Lapsed policies.
- 30 (g) That after three full annual premiums or their equivalent half-yearly or quarterly premiums have been paid on a policy the company shall loan on the sole security thereof at a rate of interest not exceeding seven per cent per annum a sum not exceeding ninety-five per cent of the surrender value of such policy less any indebtedness to the company in respect thereof; such policy being first deposited with and assigned to the company by an assignment executed by all proper parties and in the form G in the schedule to this Act, \*or in such other form as may be approved of by the Superintendent.\* Provided, however, that such loan may at the option of the company be deferred for a period not exceeding three months from the time the policyholder applies therefor; Loan on policy.
- 35 (h) A table showing in figures the surrender and loan values, and the options available under the policy each year upon default in premium payments, until the end of the twentieth year at least of the policy, beginning with the year in which such values and options first become available; the surrender and loan values may be shown on the basis of one thousand dollars of insurance, and the loan values may be shown as a percentage of the surrender values; Table of surrender and loan values.
- 40 (i) In case the proceeds of a policy are payable in instalments or as an annuity, a table showing the amounts of the instalment and annuity payments; Table of instalments.
- 45
- 50
- 55

- Renewal of policy. (j) A provision that the holder of a policy shall be entitled to have the policy reinstated at any time within two years from date of lapse, unless the cash value has been duly paid, paid up insurance granted, or the extension period expired, upon the production of evidence of insurability satisfactory to the company and the payment of all overdue premiums and any other indebtedness to the company upon said policy with interest at the rate of not exceeding six per cent per annum, compounded annually from the date of lapse. 5
- Exceptions. Any of the foregoing provisions or portions thereof not applicable to single premium or non-participating or term or annuity policies shall to that extent not be incorporated therein. 10
- Exceptions. 2. This section shall not, except as relates to the filing with the Superintendent of copies of forms of policies, apply to assessment companies, nor to policies of industrial insurance. 15
- Separate accounts of participating and non-participating business. **96.** All such life insurance companies, notwithstanding anything to the contrary in any special Act or elsewhere, shall, after the first day of January, one thousand nine hundred and eleven, keep separate and distinct accounts of participating and non-participating business. 20
- Action of policyholders against foreign company. **97.** Every policy issued by any company incorporated or legally formed elsewhere than in Canada in favour of a resident of Canada shall have a clause embodied therein or endorsed thereon to the effect that an action to enforce the obligation of such policy may be validly taken in any Court of competent jurisdiction in the province where the policyholder resides or last resided before his decease and said policy shall not contain any provision inconsistent with such clause. 25
- Companies having capital stock. **98.** The provisions of this section shall extend and apply to every licensed life insurance company having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name, within the legislative power of the Parliament of Canada. 30
- Application. 2. The said provisions shall so extend and apply, notwithstanding anything to the contrary in any special Act relating to such life insurance companies or in any by-law or by-laws thereof. 35
- Shareholders' and policyholders' directors to be elected. 3. Every such company shall, by by-law passed prior to the first day of October, one thousand nine hundred and ten, determine the number of directors to be elected by the shareholders and by the participating policyholders, respectively, as hereinafter provided, and the number of policyholders' directors so determined shall be \*at least one-third\* of the total number so to be elected. \*The company may, by the said by-law, provide that all the directors, of both classes, shall be elected for one, two or three years. If the by-law provides for a two years' or three years' term of office, it may also provide either, (a) that the term of office shall be continuous for all directors of both classes, or (b) that a certain proportion, not less than one-third, of each class, shall retire annually.\* At the annual meeting held in one thousand nine hundred and eleven, and at each subsequent annual meeting, there shall be elected a board as determined by by-law aforesaid, but such board shall 40 45 50

consist of not less than nine nor more than \*fifteen\* directors all of whom shall \* \* \* be eligible for re-election. The shareholders' directors shall be elected by the shareholders and the policyholders' directors shall be elected by the participating policyholders.

5 4. The manager of the company may be a director of the company, but no agent or paid officer other than the manager shall be eligible to be elected as a director. The words "paid officer" in this subsection do not include the president and vice-president, or the president and the first vice-president if more than one, elected under the provisions of subsection 9 of this section. Manager may be a director.

10 5. No person shall be a shareholders' director unless he holds in his own name and for his own use shares of the capital stock of the company to an amount of at least two thousand five hundred dollars, and has paid all calls due thereon and all liabilities incurred by him to the company. Qualifications for shareholders' director.

15 6. At all general meetings of the company each shareholder present in person or represented by proxy who has paid all calls due upon his shares in the capital stock and all liabilities incurred by him to the company shall have one vote for each share held by him. One vote for each share held.

20 7. Every person whose life is insured under a participating policy or participating policies of the company for two thousand dollars or upwards, upon which no premiums are due, whether such person is a shareholder of the company or not, hereinafter called a participating policyholder, shall be a member of the company and be entitled to attend \* \* \* \* \* at all general meetings of the company, but participating policyholders as such shall not be entitled to vote for the election of shareholders' directors. Every holder of participating policy of \$2,000 a member.

25 8. Every holder of a participating policy or policies of the company for four thousand dollars or upwards, exclusive of bonus additions, upon which no premiums are due, who is not a shareholder, and who has paid premiums on such policy or policies for at least three full years, shall be eligible for election as a policyholders' director. Qualifications for policyholders' director.

30 9. The policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters. Meeti: g.

35 10. The directors shall elect from among themselves a president and one vice-president or more. President.

40 11. At all meetings of directors for the transaction of business a majority shall be a quorum. Quorum.

\*12. The company shall have a fixed time in each year for its annual meeting and such time shall be printed in prominent type on each renewal receipt issued by the company, and due notice also given at least fifteen days before in two or more daily newspapers published at or near the head office of the company.\* Annual meeting

45 13. At the annual meeting no shareholder shall vote for more than the number of shareholders' directors to be elected, and no policyholder shall vote for more than the number of policyholders' directors to be elected. Voting

\* \* \* \* \*

50 \*13. Every proxy representing a shareholder must be himself a shareholder and entitled to vote, and an instrument of proxy shall not be valid unless executed within three months of the date of the meeting at which it is to be used, and unless filed with the secretary at least ten days before such meeting, and shall be used Instrument of proxy.

only at such meeting or any adjournment thereof, and may be revoked at any time prior to such meeting.\*

*Forfeiture and Renewal of Licenses.*

Withdrawal of license for non-payment of undisputed claim judgment. **99.** Whenever satisfactory proof has been furnished to the Minister of any undisputed claim upon a company, arising on any policy of life insurance in Canada, remaining unpaid for the space of sixty days after becoming due, or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legal valid discharge made to the agent of such company, the Minister may withdraw the license of such company. 5 10

Renewal of license. **100.** Such license may be renewed if, within thirty days after such withdrawal, such undisputed claim or final judgment upon or against the company is paid and satisfied.

Renewal of forfeited license. **101.** When the license of a company carrying on the business of life insurance has been withdrawn by the Minister under any of the foregoing sections of this Act, such license may be renewed, if, within thirty days after such withdrawal, the company complies with the requirements of this Act to the satisfaction of the Minister. 15

*Companies ceasing to do business and Release of Deposits.*

Certain companies ceasing to do business. **102.** In the case of any company which, previously to the twenty-eighth day of April, one thousand eight hundred and seventy-seven, was licensed to transact the business of life insurance in Canada, and which ceased to transact such business before the thirty-first day of March, one thousand eight hundred and seventy-eight, having before that date given written notice to that effect to the Minister, the premiums due or to become due on policies actually issued before the last mentioned date may continue to be collected, and the claims arising thereon may be paid, and all business appertaining thereto may be transacted, and all proceedings appertaining thereto, either at law or in equity, may be continued or commenced and prosecuted. 20 25 30

Winding-up old business. 2. The deposit in the hands of the Minister in such case shall be dealt with under the law as it existed previously to the first mentioned date, as if this Act had not been passed.

Deposit, how dealt with. **103.** When any company licensed under this Act desires to discontinue business and to have its assets in Canada released, and gives written notice to that effect to the Minister, it may, with the consent of the policyholders, procure the transfer of its outstanding policies in Canada to some company or companies licensed under this Act in Canada, or may obtain the surrender of the policies, as far as practicable. 35 40

Transfer or surrender of policies by companies wishing to cease business. 2. The trustees holding securities for such company may employ any portion of the assets vested in them for the purpose of effecting such transfer or surrender.

Utilizing trust funds. 3. Such company shall file with the Minister a list of all Canadian policyholders whose policies have been so transferred 5

List to be placed with Minister.

or have been surrendered, and also a list of those which have not been transferred or surrendered.

4. The company shall, at the same time, publish in *The Canada Gazette* a notice that it will apply to the Minister for the release of its assets and securities on a certain day, not less than three months after the date of the notice, and calling upon its Canadian policyholders opposing such release to file their opposition with the Minister on or before the day so named.

Notice in  
Canada  
Gazette.

104. After the day so named, upon the application for release being made, if the Minister, with the concurrence of the Treasury Board, is satisfied that such transfer or surrender has been effected, he may direct that a portion of the assets held by the trustees, or securities held by the Minister, shall be retained, sufficient in amount to cover the full equitable net surrender value of such policies, including bonus additions and accrued profits, as have not been transferred or surrendered, or in respect to which opposition has been filed; and may order the remaining assets or securities aforesaid to be released and transferred or paid over to the company.

Securities in  
case of  
transfer.

2. The portion retained shall be tendered in the manner hereinafter described to the aforesaid policyholders *pro rata*, according to the aforesaid values of their respective policies; and on the acceptance of the amount so tendered, such policies shall thereby be deemed to be cancelled.

Tender to  
policy-  
holders.

3. If such tender is refused by any policyholder, the amount so tendered may be paid over to the company, and the policy shall continue in force, and such policyholder shall not be barred from any recourse he has, either at law or in equity, against the company to compel the fulfilment of its contract under such policy.

Refusing  
tender.

105. The tender referred to in the last preceding section shall be made in the following manner:—

Mode of  
tender.

- (a) A list and notice in the form D in the schedule to this Act, or to the like effect, shall be published in *The Canada Gazette* for at least thirty days previously to the day named in such notice;

List in  
Gazette.

(b) The company shall also cause the said list and notice to be published in such newspapers in Canada and for such length of time as the Minister determines;

List in  
news papers.

- (c) A notice in the form E in the schedule to this Act, or to the like effect, shall be sent by mail, postpaid or franked, from the \*Department\* to each of the policyholders named in the said list, whose address is known to him; and such notice shall be deposited in some post office in Canada at least thirty days previously to the day named therein, which shall be the same day as that named in the list and notice in form D.

Notice  
mailed.

2. Any policyholder who does not signify in writing to the Superintendent his acceptance of the amount so tendered, on or before the day named in the said notice, shall be deemed to have refused the same: Provided that the Minister may, at any time prior to the payment over to the company of the amount so refused, allow any policyholder to signify his acceptance of such amount, and such acceptance, so allowed, shall have the same effect as if made on or before the day named in the said notice.

Acceptance  
must be  
signified.

Neglect may  
be waived.

Surrender, values, how determined. 106. The surrender values to cover which a portion of assets is retained as aforesaid shall be determined by the Superintendent on the basis provided in subsection 2 of section 42 of this Act for the valuation once in every five years, or oftener at the discretion of the Minister, of policies of life insurance; and 5  
Expenses of valuation. he shall collect from the company the expenses of such valuation at the rate of three cents for each policy or bonus addition, and shall pay the same to the Minister before the latter shall hand over the securities.

Special arrangements. 107. Nothing herein contained shall prevent any policy- 10  
holder from making special arrangements with the company whereby his policy may be continued in force.

Action on proof. 2. On proof being given of such arrangement, such policy may be omitted or removed from the lists of policies filed with the Minister as aforesaid, and this Act shall thereafter not apply in 15  
respect of such policy.

*Provincial Company ceasing to do business outside its own Province.*

Release of deposit to Treasurer of Province on transfer of policies. 108. When any company such as described in subsection 3 of section 3 of this Act which has been licensed pursuant to said subsection to transact business throughout Canada, desires to discontinue business outside the province by the legislature of which it is 20  
incorporated, and to have its deposit with the Minister released, and gives notice to that effect to the Minister, the company may, with the consent of the policyholders resident outside such province, procure the transfer of the policies held by such policyholders to some company or companies licensed under this Act, or may obtain 25  
the surrender of such policies, in either of which cases upon proper and sufficient proof of such transfer or surrender being filed in the \*Department,\* the Minister may release and transfer such deposit to the treasurer of such province; or,

Release of deposit on reinsurance of policies. 2. The company may, with the notice mentioned in the first 30  
subsection of this section, file in the \*Department\* a resolution of the shareholders of the company authorizing such discontinuance of business and the withdrawal of said deposit, such resolution also to be approved by the votes of four-fifths of the 35  
policyholders present in person or by proxy at a meeting of the policyholders duly called for the purpose of considering the same, and may cause the policies in favour of policyholders resident outside of such province to be re-insured with the approval of the Superintendent in some company or companies licensed under this Act or may procure the consent in writing of all such policyholders 40  
to such transfer, in which case also, upon proof being filed in the \*Department\* of the passing of such resolution and of its approval in manner aforesaid and of the re-insurance of such policies or the written consent of such policyholders, the Minister may release and transfer said deposit to the Treasurer of such province. 45

Rights of policyholders not affected. 3. The transfer of such deposit in manner aforesaid shall not in any way affect, alter, or diminish the rights of the policyholders with respect thereto, which shall remain in all respects the same as if no such transfer had been made.

109. In computing or estimating the reserve necessary to be held in order to cover the liability of Canadian companies on their policies, and the liability of companies other than Canadian companies on all Canadian policies, each company

Reserve necessary to cover liability.

5 may,—

(a) as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits declared in respect thereof, employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding three and a half per cent per annum;

Calculation as to policies after January 1st, 1900.

10

(b) as to policies issued prior to the first day of January, one thousand nine hundred, and bonus additions or profits declared in respect thereof, until \* \* \* the first day of January, one thousand nine hundred and fifteen, employ any of such standard tables of mortality, and any rate of interest not exceeding four per cent per annum; and on and after the first day of January, one thousand nine hundred and fifteen, employ any of such standard tables of mortality, and any rate of interest not exceeding three and one-half per cent per annum.

Calculation as to policies prior to January 1st, 1900.

15

Calculation after January 1st, 1910.

20

2. If it appears to the Superintendent that such reserve falls below that computed on the basis provided in this Act, for the valuation once in every five years or oftener at the discretion of the Minister, of policies of life insurance, he shall so report to the Minister, who may thereupon direct the Superintendent to compute on the said basis or to procure to be so computed under his supervision, the reserve aforesaid, and the amount so computed, if, \* \* \* it differs materially from the return made by the company, may be substituted in the annual statement of assets and liabilities.

Minister may cause calculation to be verified.

25

30

3. In such case the company shall furnish to the Superintendent, on application, the full particulars of each of its policies necessary for such computation, and shall pay to the Superintendent *\*such an amount as he deems sufficient to compensate for the services rendered to the company not, however, to exceed\** three cents for each policy or bonus addition so computed, which amount he shall pay over to the Minister. *\*In the event of its appearing from the particulars so furnished that the net premium calculated on the basis of the British Offices Life Tables, 1893, O<sup>m</sup> (5), and a rate of interest of three and one-half per cent together with two and a half per cent loading for expenses is in excess of the premiums receivable in respect of any policies issued after January first, one thousand nine hundred and eleven, the company shall be charged as a separate liability with the value of an annuity the amount of which shall be equal to such excess.\**

Particulars to be furnished.

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4. Any company, instead of itself computing or estimating the reserve aforesaid, may require it to be computed by the Superintendent on the basis referred to in this section, on payment to him of three cents for each policy or bonus addition so computed, which amount the Superintendent shall pay over to the Minister.

Superintendent required to compute.

50

*Declaration of Profits in case of existing Companies.*

Profits from participating policies to be kept distinct from other profits.

**110.** *In the case of companies heretofore incorporated which have a capital stock and which are within the legislative power of the Parliament of Canada, the directors may, from time to time, set apart such portion of the net profits as they shall deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been distinguished as having been derived from participating policies, (including a share of the profits arising from the sale of securities in the proportion of the reserve on the participating policies to the total reserve), to the extent of not less than ninety per cent thereof; and before fixing or arriving at the amount of divisible profits, interest on the amount of unimpaired paid-up capital stock, but not including any premiums or bonuses paid thereon or in respect thereof, which have been expended in the establishment, prosecution or extension of the company's business or applied to making good any impairment of capital, and on any other sum or sums from time to time standing at the credit of the shareholders may be allowed or credited to such shareholders at the average net rate of interest earned in the preceding year, or other period under consideration, upon the mean invested funds of the company; such shareholders to be, however, charged with a fair proportion of all losses incurred upon investments or other losses of a similar character.*

Rights of participating policyholders to profits.

**2.** *The provisions of subsection 1 of this section shall not interfere with the right of the participating policyholders of any such company to share in the profits realized from the non-participating branch of its business in any case in which such policyholders are so entitled under the Acts relating to such company in force at the time of the passing of this Act.*

*Assessment Life Insurance Companies.*

Application.

**111.** Sections 112 to 126, both inclusive, of this Act apply to assessment life insurance companies only.

35

License or registration of assessment necessary.

**112.** No company shall, without being licensed or registered under this Act, carry on within Canada any business of life insurance by promising to pay on the death of a member of such company, a sum of money solely from the proceeds of assessments or dues collected or to be collected from the members thereof for that purpose.

40

Existing companies.

**113.** *After the passing of this Act no company except such as is referred to in subsection 4 of section 3 of this Act, which carries on business of the nature described in the last preceding section, hereinafter referred to as assessment companies, shall be licensed or registered to carry on business thereunder, but licenses to such companies in force at the time of the passing of this Act may nevertheless be from time to time renewed.*

45

**114.** Any such company now licensed, so long as its license continues in force by renewal or otherwise, shall be exempted from the foregoing provisions of this Act relating to the maintenance of the reserve in respect of its policies required of ordinary life insurance companies and from the provisions of sections 13, 36, 42, 84 and 85 thereof.

Exemption  
of existing  
companies

**115.** The license of any such company shall cease to be valid on the thirty-first day of March in each year, but shall be renewable from year to year, in the discretion of the Minister.

Renewal  
of license  
necessary.

**116.** Such companies shall make attested returns of their condition and affairs at such times and in such form, and attested in such manner, as are prescribed by the Minister, and the Superintendent shall include such returns in his annual report.

Returns of  
their  
conditions  
and affairs.

**117.** Death claims shall be a first charge on all moneys realized from assessments, by any assessment company to which this Act applies, and no deduction shall be made from any such death claims on any account whatsoever.

Death  
claims first  
charge.

2. No portion of any moneys received from assessments by such companies for death claims shall be used for any expense whatever; and every notice of any assessment shall truly specify the cause and purpose thereof.

Use of  
assessment  
for such  
purpose.

**118.** Every application, policy and certificate, issued or used—

(a) in Canada by any such company incorporated elsewhere than in Canada;

(b) by any such company incorporated or formed in Canada to which this Act applies;

shall have printed thereon, in a conspicuous place, in ink of a colour different from that of the ink used in the instrument, and in large sized type the words:—

*"This association is not required by law to maintain the reserve which is required of ordinary life insurance companies."*

Application,  
policy, etc.,  
to contain  
notice as to  
reserve.

**119.** Every policy issued or used in Canada by any company referred to in the last preceding section shall contain a promise to pay the whole amount therein mentioned out of the death fund of the association and out of any moneys realized from assessments to be made for that purpose, and every such association shall be bound, forthwith and from time to time, to make assessments to an amount adequate, with its other available funds, to pay all obligations created under any such certificate or policy without deduction or abatement.

Promises to  
pay out of  
certain  
funds.

2. The condition embodied in this section shall be inserted in every policy issued or delivered by any such company to any person insured in Canada.

To be  
inserted in  
policy.

**120.** Every policy issued by an assessment company incorporated or legally formed elsewhere than in Canada, in favour of a resident of Canada, shall have a clause embodied therein or endorsed thereon, to the effect that an action to enforce the obligation of such policy may be validly taken in any court of

Clause  
stating where  
action  
brought.

competent jurisdiction in the province wherein the policyholder resides or last resided before his decease, and such policy shall not contain any provision inconsistent with such clause.

Companies assuring annuities ineligible for license.

**121.** No such company shall assure to any of its members a certain annuity, either immediate or deferred, whether for life or a term of years, or any endowment whatever.

Words to be used by assessment companies.

**122.** The words *Assessment System* shall be printed in large type at the head of every policy and every application for a policy, and also in every circular and advertisement issued or used in Canada in connection with the business of an assessment company.

Notice of intention to maintain a reserve.

**123.** Any company licensed or registered under this Act to carry on the business of life insurance on the assessment system, which has filed in the office of the Superintendent notice of its intention after the date mentioned in the said notice, to maintain in respect of all policies issued after the said date, in the case of a Canadian company, or in respect of all policies issued in Canada after the said date, in the case of a company other than a Canadian company, the reserve required by this Act to be maintained by ordinary life insurance companies upon contracts of life insurance with fixed and definite premiums, such company shall, with respect to all policies issued after the said date, if a Canadian company, and with respect to all policies issued in Canada after the said date, if a company other than a Canadian company, maintain for the security of the holders of the said policies the said reserve, and comply with all other provisions of this Act applicable thereto, as if it were licensed under this Act as an ordinary life insurance company.

Obligation thereafter.

2. Such company shall, as to such policies, be exempt from all special provisions and conditions imposed by this Act upon assessment life insurance companies, except it shall not assure to any of its members a certain annuity, either immediate or deferred, whether for life or for a term of years, or any endowment whatever.

Exemption from assessment provisions.

Application of deposit.

**124.** The deposit of any such company in the hands of the Minister, at the date mentioned in the notice in the preceding section referred to, shall be applicable to the policies issued prior to the said date, and shall be dealt with in regard to such policies as if the said notice had not been given.

Deposit compulsory.

2. Any such company shall, at the time of the filing of such notice, make with the Minister such deposits, if any, in respect of the policies to be issued in pursuance of such notice, as the Treasury Board may fix and determine.

Separate and distinct register and books.

**125.** For the purpose of carrying out the provisions of the two last preceding sections, separate and distinct registers and books of account shall be opened and kept, showing, respectively, all policies issued and business transacted by such company after the date mentioned in the said notice, and all policies issued and business transacted before the said date.

Contents.

2. Such books and registers shall show all assets, liabilities, moneys and securities belonging or appertaining to the said respective portions of such company's business; and the assets and the entire business of the said respective portions shall be kept absolutely separate and distinct.

3. The reserves or assets applicable to the policies issued by such company after the date mentioned in the said notice shall not be available in any way for any liability of such company arising out of any policy issued by it on the assessment plan.

Reserves or assets not available for liability of company.

5 **126.** The provisions of this Act applicable to assessment life insurance companies, other than the provisions contained in the three last preceding sections, shall be applicable to the policies of the company issued prior to the said date, in the same manner and to the same extent as if the provisions contained in the said sections had not been enacted.

Application of Act to assessment companies.

PART III.

FIRE \* \* \* INSURANCE.

*Application of Part.*

15 **127.** This part applies only to fire \* \* \* insurance companies, and to other insurance companies carrying on fire \* \* \* insurance, \* \* \* in so far only as relates to the fire \* \* \* insurance business of such companies.

Fire and inland marine.

*Forfeiture and Renewal of Licenses.*

20 **128.** Whenever any company fails to make the deposits under this Act at the time required, or whenever written notice has been served on the Minister of any undisputed claim, arising from loss insured against in Canada, remaining unpaid for the space of sixty days after it becomes due, or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legal valid discharge, the license of such company may be withdrawn by the Minister.

Licenses forfeited for failure to make deposit or pay claims.

25 **129.** Such license may be renewed, and the company may again transact business, if, within sixty days after notice to the Minister of the failure of the company to pay any undisputed claim or the amount of any final judgment, as provided in the last preceding section, all undisputed claims or final judgments upon or against the company in Canada are paid and satisfied.

Renewal under certain conditions.

*Companies ceasing to do Business and Release of Deposits.*

30 **130.** When any company has ceased to transact business in Canada, and has given written notice to that effect to the Minister, it shall insure, on behalf of its Canadian policyholders, all its outstanding risks in some company or companies licensed in Canada, or obtain the surrender of the policies.

Company ceasing business to reinsure.

35 2. The securities of such company shall not be delivered to the company until all its outstanding risks are insured to the satisfaction of the Minister.

Delivery of securities.

**131.** Upon making application for its securities the company shall file with the Minister a list of all Canadian policyholders

Application for securities.

- Steps to be taken. who have not been so reinsured, or who have not surrendered their policies; and it shall at the same time publish in *The Canada Gazette* a notice that it has applied to the Minister for the release of its securities on a certain day not less than three months after the date of the notice, and calling upon its Canadian policyholders opposing such release to file their opposition with the Minister on or before the day so named. 5
- Order for release of securities. 2. After that day if the Minister, with the concurrence of the Treasury Board is satisfied that the company has ample assets to meet its liabilities to Canadian policyholders, he may order that all the securities be released to it, or that a sufficient amount of them be retained to cover the value of all risks outstanding or respecting which opposition has been filed, and that the remainder be released. 10
- Further releases. 3. Thereafter from time to time as such risks lapse, or proof is adduced that they have been satisfied, further amounts may be released on the authority aforesaid. 15
- Payment of losses after cancellation of license. **132.** When a company has ceased to transact business in Canada after the notice by this Part required has been given, and its license has in consequence been withdrawn, such company may, nevertheless, pay the losses arising upon policies not reinsured or surrendered, as if such license had not been withdrawn. 20

#### *Fire Policies.*

- Duration of fire policies. **133.** No fire policy shall be issued for or extend over a longer period than three years. 25

#### *Reserve Liability.*

- Computation for annual statement. **134.** For the purposes of the annual statement required to be furnished to the Superintendent under this Act by any company transacting fire or inland marine insurance, or both, the liability of the company if a Canadian company in respect of all its outstanding unmaturred policies, or if a company other than a Canadian company in respect of its outstanding unmaturred policies in Canada, shall be eighty per cent of the unearned premiums computed pro rata as at the date of such statement: Provided, however, that of this Act the reinsurance value of the outstanding unmaturred Canadian policies of a company other than a Canadian company shall be the full unearned premiums computed pro rata as aforesaid. 30 35
- Premium note business. 2. In the case of any such company which transacts a non-hazardous three year business on the premium note system or partly on the cash system and partly on the said premium note system, the liability of such company, for the purposes of such statement, in respect of its premium note business shall be eighty per cent of the unearned portion of the cash received upon and of the balance usually collectable in respect of all outstanding premium notes held by the company computed pro rata as at the date of such statement, and the amount of such premium notes in excess of the amount so usually collectable thereon shall be regarded as a contingent asset only. 40 45

*Impairment of Capital and Payment of Dividends.*

135. Every Canadian company licensed to carry on the business of fire insurance or marine insurance, or both, shall at all times maintain assets, allowable as such under the provisions of this Act or of its Act of incorporation or under the general Act applicable to such company, at least equal in value to the total of the unearned premiums upon all its outstanding unmatured policies, calculated pro rata for the time unexpired, together with the amount of matured claims and all its other liabilities of every kind.

Assets,  
minimum  
amount of.

2. Subject to the provisions of subsection 4 of this section, no dividend shall be paid by any such company while its capital is impaired or while its assets are less than the amount required by the next preceding subsection, nor shall any dividend be paid which would reduce its assets below the said amount or impair its capital.

Dividend not  
to impair  
capital

3. If it appears to the Superintendent that the assets of any such company fall below the requirements of subsection 1 of this section, he shall report the fact to the Treasury Board and shall in said report state whether or not the company appears to him to have failed to comply with the requirements of the next preceding subsection, and the Treasury Board after a full consideration of the matter and after a reasonable time has been given to the company to be heard by them, may:—

Penalty.

- (a) Forthwith withdraw the company's license; or
- (b) Upon such terms and conditions as they deem proper, limit a time within which such company shall make good the deficiency (the company's license being continued in the meantime) and upon the company's failure to make good such deficiency within the time so limited, its license shall be withdrawn:—

Provided, however, that if the company's assets are less than the amount fixed by subsection 1 of this section by an amount equal to twenty per cent or upwards of the said unearned premiums calculated as aforesaid, or if the company has failed to comply with the requirements of subsection 2 of this section, its license shall be withdrawn.

4. Where any such company has, prior to the passing of this Act, under the provisions of its Act of incorporation and any amendments thereto, created and issued part of its capital stock as preference stock, giving such preference stock the right to a fixed preferential dividend, the word "capital" in subsection 2 of this section shall be read and construed to mean as to such company its preferred capital exclusively in so far as regards the payment of such preferential dividends: Provided, however, that in the case of any such company the reserve liability for the purposes of this section may, with the approval of the Treasury Board, be calculated until the first day of January, one thousand nine hundred and fifteen, on the basis of not less than sixty per cent of the unearned premiums mentioned in the next preceding section.

Preferential  
dividends

136. In this section the word "surplus" means the excess of assets over the paid-up capital of the company and all the liabilities of the company, including the reserve for unearned premiums.

"Surplus"  
defined.

2. Subject to the payment of preferential dividends as provided in subsection 4 of section 135, until the surplus of a Canadian

Appropriation of profits  
for surplus.

fire insurance company shall equal or exceed the reserve of unearned premiums computed as provided in section 134 on all outstanding unexpired policies in Canada not reinsured, such company shall at the end of each year commencing with the year one thousand nine hundred and ten, appropriate towards the surplus of such company, at least twenty-five per cent of the profits of the company for the year last past.

Rebating prohibited.

**137.** No agent, broker or other person representing or doing business in Canada for any fire insurance company licensed under this Act shall, in any way, directly or indirectly, divide, or offer to divide, his commission or other remuneration with, or give, or offer to give, any part of his commission or other remuneration, or any other matter or thing of value to any person whose property he may be insuring or seeking to insure, or to any person having or claiming or appearing to have any influence or control as to the placing of such insurance, as an inducement to insure with him or in or with a company employing him or represented by him. 10 15

Penalty for rebating, etc.

**138.** Every person violating the provisions of the last preceding section shall, for a first offence, be liable to a penalty of double the amount of the premium on the application or policy in respect of which such violation took place, but in no case shall such penalty be less than one hundred dollars, and for a second or subsequent offence such person shall be liable to a penalty of double the amount of such premium, but in no case less than two hundred and fifty dollars. 20 25

Penalty for permitting rebates, etc.

2. Every director or manager or other officer of any fire insurance company within the legislative power of the Parliament of Canada or licensed under *this* Act to carry on the business of fire insurance, who violates or knowingly consents to or permits the violation of the next preceding section by any agent, officer, employee or servant of the company, shall be liable to a penalty of five hundred dollars. 30

Rebates, etc. and disposal of penalty.

3. The penalties provided for in this section shall be recoverable in any court of competent civil jurisdiction at the suit of any person suing as well for His Majesty as for himself. One-half of any such penalty shall, when recovered, be applied towards payment of the expenses of the *Department* and the other half to the person suing. 35

Offenders not to be indemnified out of funds of company.

4. No such director, manager, agent, officer, employee or other servant shall be indemnified either in whole or in part either in respect of the penalty or of any costs out of the funds of the company. 40

Insurance in unlicensed companies.

**\*139.** Notwithstanding anything in this Act contained, any person may insure any property situated in Canada with any British or foreign unlicensed insurance company or underwriters, and may also insure with persons who reciprocally insure for protection only and not for profit; and any property insured or to be insured under the provisions of this section may be inspected and any loss incurred in respect thereof adjusted; provided such insurance is effected outside of Canada and without any solicitation whatsoever directly or indirectly on the part of such company, underwriters or persons by which or whom the insurance is made.\* 45 50

- \*2. Every person so insuring property situated in Canada shall make a return to the Superintendent giving the location and a brief description of the property insured, the amount of the insurance, and whether insured in Lloyds, or some similar association, or in  
5 mutuals, reciprocal or other class of insurers, such return to be made by delivering or mailing it in a registered letter addressed to the Superintendent not later than the first day of March in each year for the year ending on the preceding thirty-first day of December.\*
- 10 \*3. Blank forms for such statements shall be supplied by the Superintendent.\*
- \*4. Default in compliance with the requirements of paragraph 2 of this section by the insured shall subject him to a penalty of ten  
15 dollars for each day during which default continues recoverable and applicable in the manner prescribed in subsection 2 of section 69 of this Act.\*

## PART IV.

INSURANCE OTHER THAN LIFE OR FIRE \* \* \*

*Licenses.*

- 140.** This Part applies to companies carrying on business of insurance other than life or fire \* \* \* insurance. Application of Part.
- 141.** No such company shall accept any risk or issue any  
20 policy of insurance or interim receipt or receive any premium in respect thereof or carry on any business of insurance in Canada without first obtaining a license from the Minister to carry on such business. The Treasury Board shall determine in each case what deposit shall be required to be made with the Minister. License required.
- 142.** The provisions of this Act applicable to fire insurance  
25 companies and the business of fire insurance other than the provisions contained in section 139 shall, mutatis mutandis, apply to every such company and its business as to all matters not otherwise provided for herein: Provided, however, that the provisions  
30 relating to the calculation of reserve liability shall not apply to companies licensed to carry on the business of title insurance. Provisions applicable.
- 143.** The Treasury Board, upon the report of the Superintendent, may revoke any license issued under this Part if sufficient cause therefor is shown by such report. Revocation of license.

## PART V.

PROVISIONS APPLICABLE TO COMPANIES HEREAFTER  
INCORPORATED BY PARLIAMENT.*Application of Part.*

- 144.** The provisions of this Part shall apply to every insurance company incorporated by a special Act of the Parliament  
35 of Canada after the passing of this Act. Application of Part V.

Directors.

2. The provisions of this Part, other than those of section 145, shall also apply to every insurance company incorporated by a special Act of the said Parliament during the present session thereof, and in any respect in which such provisions are inconsistent with the provisions of the special Act so passed during the present session the former shall prevail. 5

3. The provisions of this Part, other than those of section 145, shall also apply to every insurance company incorporated by a special Act of the said Parliament before the passing of this Act, but which has not yet been licensed, and in any respect in which such provisions are inconsistent with the provisions of the special Act so passed prior to the passing of this Act the former shall prevail: Provided, however, that all things lawfully done and all proceedings lawfully taken under the provisions of such special Act prior to the passing of this Act for the organization of the company or otherwise shall be valid and effectual for the purposes intended. 10 15

Standard provisions.

**145.** Every special Act of the Parliament of Canada passed after the passing of this Act for the incorporation of an insurance company in the form F in the schedule to this Act shall be read as if it contained the provisions hereinafter in this section set forth, and shall be construed having regard thereto. 20

Provisional directors.

(1) The persons named as such in the special Act shall be the provisional directors of the company, a majority of whom shall be a quorum for the transaction of business. They shall remain in office until replaced by directors duly elected in their stead, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and secure payments thereon. They shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received on account of the company and may withdraw the same for the purposes of the company only and may do generally what is necessary to organize the company. 25 30

Local boards and agencies.

(2) The directors may establish local advisory boards or agencies either within Canada or elsewhere at such times and in such manner as they deem expedient. 35

Shares.

(3) The capital stock of the company shall be divided into shares of one hundred dollars each.

Increase of capital stock.

(4) The directors may, after the whole authorized capital stock of the company has been subscribed and fifty per cent paid thereon in cash, increase the capital stock from time to time to an amount not exceeding the sum named for that purpose in the special Act; but the stock shall not be increased until a resolution of the board of directors authorizing such increase has been first submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the members of the company duly called for that purpose. 40 45

First meeting of shareholders.

(5) As soon as the amount for that purpose mentioned in the special Act has been subscribed and ten per cent of the said amount has been paid into some chartered bank in Canada the provisional directors shall call a general meeting of the shareholders at some place to be named in the municipality where the head office of the company is situated; 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 the share- 50 55

holders' directors in the case of a life company, and the ordinary directors in the case of a company other than a life company, as set forth in the next following section.

(6) The shares of the capital stock subscribed for shall be paid by  
5 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. Calls on  
shares.

(7) The company shall not commence business until at least the  
10 amount of stock mentioned for that purpose in the special Act has  
been subscribed for nor until at least the sum named for that purpose  
in the said special Act has been paid in cash into the funds of the  
company to be appropriated only for the purposes of the company  
under the said special Act: Provided that stock upon which less than  
15 ten per cent has been paid in cash by the subscriber shall not be  
reckoned as part of the stock mentioned in the special Act as neces-  
sary to be subscribed, nor shall any sum paid by any shareholder  
upon the shares subscribed for by him which is less than ten per  
cent of the amount subscribed for by such shareholder be reckoned as  
20 part of the sum required to be paid thereon as in such special Act  
provided. Commence-  
ment of  
business.

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

(9) The company may cause itself to be re-insured against any  
30 risk undertaken by it, and may re-insure any other company carry-  
ing on the same class of business as this company against any risk  
undertaken by such other company. Re-insurance

#### Directors, their election, duties and powers.

**146.** (a) There shall be in the case of life insurance companies  
having a capital stock, whether called by the name of capital stock,  
35 guarantee fund or any other name, two classes of directors, viz.:  
directors elected by the shareholders, hereinafter called shareholders'  
directors, and directors elected by the policyholders, hereinafter  
called the policyholders' directors; but in the case of companies  
other than life companies, having a capital stock, there shall be  
40 only one class of directors, namely: directors elected by the share-  
holders, hereinafter called ordinary directors. Two classes  
of directors.

(b) No person shall be elected a shareholders' director of a life  
company or an ordinary director of a company other than a life  
company, unless he is a shareholder owning shares in the capital  
45 stock or guarantee capital, as the case may be, absolutely in his own  
right and not in arrears in respect of any calls thereon and the  
majority of directors so elected shall at all times be persons resident  
in Canada and subjects of His Majesty by birth or naturalization. Shareholders'  
directors

(c) In the case of a company other than a life company there  
50 shall be elected at the first annual meeting and at each subsequent  
annual meeting a board of not less than nine nor more than sixteen  
directors, who shall hold office for one year but shall be eligible for  
re-election. Directors for  
other than  
life company.

Directors of  
life company.

(d) In the case of a life company there shall be elected at the first \*and second annual meetings\* not less than five nor more than nine shareholders' directors, who shall hold office for one year but shall be eligible for re-election.

Number and  
composition  
of board of  
directors.

(e) Every \* \* \* life company shall, by by-law passed not less than three months prior to the holding of its third annual meeting after the issue of a license to it under this Act, determine the number of directors to be elected at said annual meeting by the shareholders and participating policyholders respectively, as herein provided; and the number of policyholders' directors so determined shall be at least \*one-third\* of the total number to be so elected. \*The company may, by the said by-law, provide that all the directors, of both classes, shall be elected for one, two or three years. If the by-law provides for a two years' or three years' term of office, it may also provide either, (a) that the term of office shall be continuous for all directors of both classes, or (b) that a certain portion, not less than one-third, of each class, shall retire annually.\* At the said annual meeting and each subsequent annual meeting there shall be elected a board as determined by by-law as aforesaid, but such board shall consist of not less than nine nor more than \*fifteen\* directors, all of whom shall \* \* \* be eligible for re-election. The shareholders' directors shall be elected by the shareholders and the policyholders' directors by the participating policyholders.

Manager  
may be a  
director.

(f) The manager of a company may be a director, but no agent or paid officer, other than the manager, shall be eligible to be elected as a director. The words "paid officer" in this paragraph do not include the president and vice-president, or the president and first vice-president if there is more than one vice-president elected under the provisions of paragraph (k) of this section.

Qualifica-  
tions for  
shareholders'  
director.

(g) No person shall be eligible to become a shareholders' director of a life company or an ordinary director of any other company unless he holds in his own name and for his own use shares of the capital stock of the company to the amount of at least two thousand five hundred dollars and has paid in cash all calls due thereon and all liabilities incurred by him to the company.

One vote  
for each  
share held

(h) At all general meetings of a company each shareholder present in person or represented by proxy who has paid in cash all calls due upon his shares and all liability incurred by him to the company shall have one vote for each share held by him.

Every holder  
of a  
participating  
policy for  
\$2,000 a  
member

(i) In the case of a life company every person whose life is insured under a participating policy or participating policies of the company for two thousand dollars or upwards upon which no premiums are due, whether such person is a shareholder of the company or not, herein called a participating policyholder, shall be a member of the company and be entitled to attend and vote in person or by proxy at all general meetings of the company; but participating policyholders, as such, shall not be entitled to vote for the election of shareholders' directors. Every holder of a participating policy or policies of the company for four thousand dollars or upwards, exclusive of bonus additions, upon which no premiums are due, who is not a shareholder, and who has paid premiums on such policy or policies for at least three full years shall

be eligible for election as a policyholders' director. The policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters.

(j) The election of directors shall be by ballot.

Elections.

- 5 (k) The directors shall elect from among themselves a president and one vice-president or more.

President.

(l) At all meetings of directors for the transaction of business a majority of the board shall be a quorum.

Quorum.

- 10 (m) Notice of all general meetings shall be given to each of the shareholders and in the case of a life company also to each of the participating policyholders entitled to vote, mailed at least thirty days before the day for which the meeting is called, to the addresses of the shareholders and participating policyholders respectively, given in the books of the company, and in the case of the annual meeting the notice shall state that in accordance with the provisions of The Insurance Act shareholders and participating policyholders, respectively, may vote for and elect the number of directors to be by them respectively elected at such annual meeting.

Notice of meetings.

- 20 (n) At the annual meeting no shareholders of a company other than a life company shall vote for more than the number of ordinary directors to be elected, and in the case of a life company no shareholder shall vote for more than the number of shareholders' directors to be elected, and no participating policyholder shall vote for more than the number of policyholders' directors to be elected.

Voting.

- 25 (o) Every proxy representing a shareholder must be himself a shareholder and entitled to vote, and \* \* \* an instrument of proxy shall not be valid unless executed within three months prior to the meeting at which it is to be used, and unless filed with the secretary of the company at least ten days before such meeting, and shall be used only at such meeting or any adjournment thereof, and may be revoked at any time prior to such meeting.

Proxies.

Instruments of proxy.

- 30 (p) Vacancies occurring in the board of directors may be filled for the remainder of the term by the directors from among the qualified shareholders or policyholders as the case may be.

Vacancies in board of directors.

- 35 (q) If at any time an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office until their successors are elected.

Failure to elect directors.

147. The directors may, in all things, administer the affairs of the company, and may make or cause to be made for the company any description of contract which the company may, by law, enter into.

Powers of directors.

#### By-laws.

- 45 148. The directors may make by-laws not contrary to law, or to the Special Act, or to this Act, for—

By-laws.

- 50 (a) the regulating of the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock;

Dividends.	(b) the declaration and payment of dividends;	
Officers.	(c) the appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration;	5
Meetings.	(d) the time and place for the holding of the annual meeting of the company, the calling of meetings, regular and special of the directors and of the company, the requirements as to proxies, and the procedure in all things at such meetings;	10
Penalties	(e) the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and,	
Generally.	(f) the conduct, in all other particulars, of the affairs of the company.	

Changing by-laws.	<b>149.</b> The directors may, from time to time, repeal, amend, or re-enact any such by-law: Provided that every such by-law, repeal, amendment or re-enactment unless in the meantime confirmed at a general meeting of the company duly called for that purpose shall only have force until the next annual meeting of the company and in default of confirmation thereat shall from the time of such default cease to have force or effect.	15
Confirmation necessary.		20

*Capital Stock, Calls, and Increase of Capital.*

Stock to be personal estate.	<b>150.</b> The stock of the company shall be personal estate, and shall be transferable in such manner only, and subject to such conditions and restrictions as are prescribed by this Part, or by the Special Act or the by-laws of the company.	25
Allotment of stock.	<b>151.</b> If the Special Act makes no other definite provision, the stock of the company shall be allotted at such times and in such manner as the directors, by by-law or otherwise, prescribe.	
Calls on stock.	<b>152.</b> The directors of the company may call in and demand from the shareholders thereof respectively, all sums of money by them subscribed at such times and places and in such payments or instalments as the Special Act or this Act requires or allows.	30
Interest on amount unpaid.	2. Interest shall accrue and fall due at the rate of <i>five</i> per cent per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.	35
Forfeiture of shares for default in paying calls.	<b>153.</b> If, after such demand or notice as by the Special Act or the by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such Special Act or by-laws is limited in that behalf, the directors, in their discretion, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily declare forfeited any shares whereon such payment is not made.	40
Forfeited shares go to company.	2. Such shares shall thereupon become the property of the company, and shall be disposed of as the directors by by-law or otherwise prescribe.	45
Restriction as to transfer.	<b>154.</b> No share shall be transferable, until all previous calls thereon have been fully paid, or until it is declared forfeited for non-payment of a call or calls thereon.	

\***155.** No salary, compensation or emolument shall be paid to any director of a Canadian life insurance company for his services as such director unless authorized by a vote of the members in the case of a mutual company, and by a vote of the shareholders and other members, if any, in the case of a company having capital stock. No salary, compensation or emolument shall be paid to any officer or trustee of any such company unless authorized by a vote of the directors, nor shall any salary, compensation or emolument amounting in any year to more than five thousand dollars be paid to any agent or employee unless the contract under which such amount becomes payable has been approved by the board of directors.\*

Salaries of directors and officers.

#### Books of the Company.

**156.** The company shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded—

Stock book to be kept containing,

- (a) the names, alphabetically arranged, of all persons who are or have been shareholders; Names of shareholders.
- (b) the address and calling of every such person, while such shareholder; Address and calling.
- (c) the number of shares of stock held by each shareholder; Number of shares.
- (d) the amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder; Amount paid in
- (e) all transfers of stock, in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and, Transfers of stock.
- (f) the names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director, and distinguishing in the case of a life company between shareholders' directors and policyholders' directors. Names, addresses and calling of directors.

**157.** The directors may allow or refuse to allow the entry in any such book or books, of any transfer of stock whereof the whole amount has not been paid. Powers of directors as to entries of transfers.

**158.** No transfer of stock, unless made by sale under execution or under the decree, order or judgment of a court of competent jurisdiction, shall be valid for any purpose whatsoever until entry thereof has been duly made in such book or books, except for the purpose of exhibiting the rights of the parties thereto towards each other, and of rendering the transferee liable, in the meantime, jointly and severally with the transferrer, to the company and its creditors. Transfer valid only after entry. Exception.

**159.** Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives, and in the case of life companies of the participating policyholders, at the head office or chief place of business of the company, and every shareholder, creditor or personal representative and participating policyholder may make extracts therefrom. Stock books to be open for inspection.

*Offences and Penalties.*

- 160.** Every director, officer or servant of the company who knowingly makes or assists in making any untrue entry in any book required by this Part to be kept by such company, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of an indictable offence, and liable to imprisonment for any term not exceeding two years. 5
- 161.** Every company which neglects to keep open for inspection, as required by this Part, any book or books required by this Part to be kept by such company shall forfeit its corporate rights. 10

*Shareholders' Liability.*

- 162.** Every shareholder shall, until the whole amount of his stock has been paid up, be individually liable to the creditors of the company to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor until an execution against the company at the suit of such creditor has been returned unsatisfied in whole or in part. 15
2. The amount due on such execution, not exceeding the amount unpaid by the shareholder on his stock, shall be the amount recoverable with costs from such shareholder. 20
- 163.** The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the amount of their respective shares in the capital stock thereof. 25
- 164.** No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner and to the same extent as the testator, or intestate if living, or the minor, ward or interdicted person or the person interested in such trust fund if competent to act and holding such stock in his own name, would be liable. 30
2. No person holding stock in the company as collateral security shall be personally subject to liability as a shareholder; but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly. 35

*Meetings and Voting.*

- 165.** In the absence of other provisions in that behalf in the Special Act or in the by-laws of the company or in this Act, notice of the time and place for holding general meetings of the company shall be given at least ten days previously thereto, in some newspaper published at the place in which the head office or chief 40

place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto.

- 166.** No shareholder who is in arrear in respect of any call shall vote at any meeting of the company. Arrears prevent voting.
2. In the absence of other provisions, in manner aforesaid, every shareholder shall be entitled to as many votes at all general meetings of the company as he owns shares in the company, and may vote by proxy. One vote for each share.  
Proxies.
- 167.** Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his possession in his fiduciary capacity at all meetings of the company, and may vote as a shareholder; and every person who pledges his stock may, notwithstanding such pledge, represent the said stock at all such meetings, and vote as a shareholder. Trustees and pledgeors may vote as shareholders.
- 168.** Shareholders who hold one-fourth part in value of the subscribed stock of the company may at any time by written requisition signed by them call a special general meeting of the company for the transaction of any business specified in such requisition, and in the notice made and given for the purpose of calling such meeting. Special meetings may be called by shareholders.

#### *Contracts.*

- 169.** Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company. Contracts by agents and officers.
2. In no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order. Affixing seal unnecessary.
3. The person so acting as agent, officer or servant of the company, shall not be thereby subjected individually to any liability whatsoever to any third person therefor. Agent or officer not liable.

#### *Trusts.*

- 170.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share. Company not liable as to execution of trusts.
2. The receipt of the shareholder in whose name any share stands in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company. Receipt of shareholders a discharge.
3. The company shall not be bound to see to the application of the money paid upon such receipt. Application of money.

*Liability of Directors.*

- Liability of directors declaring and paying dividends when company is insolvent.      **171.** If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, *and in the case of a life company, to the participating policyholders*, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively: Provided that if any director present when such dividend is declared does forthwith, or if any director then absent does, within \*five days\* after he becomes aware of such dividend being declared and is able so to do, enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, in the newspaper published nearest thereto, such director may thereby and not otherwise, exonerate himself from such liability.      5  
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- Exoner-ation from liability.      **172.** Whenever entry is made in the company's book of any transfer of stock not fully paid up, to a person who is not apparently of sufficient means, the directors shall be jointly and severally liable to the *shareholders and creditors* of the company, *and in the case of a life company to the participating policyholders thereof*, in the same manner and to the same extent as the transferring shareholder, except for such entry, would have been liable: Provided that if any director present when such entry is allowed does forthwith, or if any director, then absent does within \*five days\* after he becomes aware of such entry, and is able so to do, enter on the minute book of the board of directors, his protest against such transfer, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability.      20  
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- Liability of directors for transfer of shares.      **173.** If any loan is made by the company to any *director or officer of the company* in violation of the provisions of this Part, all directors and other officers of the company who make the same or assent thereto shall be jointly and severally liable to the company for the amount of such loan, and also to third persons to the extent of such loan, with lawful interest, for all debts of the company contracted from the time of the making of such loan to that of the repayment thereof.      40  
45
- Exoner-ation from liability.      **174.** The directors of the company shall be jointly and severally liable to the *clerks and servants* thereof, for all debts, not exceeding one year's wages, due for services performed for the company whilst they are such directors respectively: Provided that no director shall be liable to an action therefor,      50
- Liability in case of loans by company to directors or officers.      **175.** If any director or officer of the company shall be liable to an action therefor, he shall be liable to an action therefor,      55
- Liability of directors for wages unpaid.      **176.** If any director or officer of the company shall be liable to an action therefor, he shall be liable to an action therefor,      60
- Limitation as to time.      **177.** If any director or officer of the company shall be liable to an action therefor, he shall be liable to an action therefor,      65

unless the company is sued therefor within one year after the debt became due, nor unless such director is sued therefor within one year from the time when he ceased to be such director, nor unless an execution against the company at the suit of such 5 clerk or servant is returned unsatisfied in whole or in part.

2. The amount unsatisfied on such execution shall be the amount recoverable with costs from the directors. Amount recoverable.

#### *Use of Funds.*

175. The company shall not loan any of its funds to any director or officer thereof, except that a life insurance company 10 may lend to any director or officer thereof on the security of the company's own policies. No loan to directors, or officers.

#### *Procedure.*

176. The company may enforce payment of all calls and interest thereon, by action in any court of competent jurisdiction. Enforcement of payments of calls.

15 177. In such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted to the company in the sum of money to which the calls in arrear amount, in respect of one call or 20 more, upon one share or more, stating the number of calls and the amount of each call, whereby an action has accrued to the company under this Part. Form of action.

178. Service of any process or notice upon the company may be made by leaving a copy thereof at the head office or 25 chief place of business of the company, with any adult person in charge thereof, or elsewhere with the president or secretary of the company. Service of process on company.

2. If the company has no known office or chief place of business, and has no known president or secretary, the court 30 may order such publication as it deems requisite to be made in the premises, for at least one month, in at least one newspaper, and such publication shall be deemed to be due service upon the company. Constructive service. Publication.

179. Any description of action may be prosecuted and 35 maintained between the company and any shareholder thereof. Actions against shareholders.

180. The company shall be subject to the provisions of any general Act for the winding-up of joint stock companies. Winding-up Act to apply

#### *Evidence.*

181. A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall 40 be received as *prima facie* evidence of such by-law in all courts in Canada. Evidence of by-laws.

Books of  
company  
*prima facie*  
evidence.

**182.** All books required by this Part to be kept by the secretary or by any other officer of the company charged with that duty shall, in any suit or proceeding be, as against the company or against any shareholder, *prima facie* evidence of all facts purporting to be therein stated.

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Proof of  
being a  
shareholder.

**183.** In any action by any company to enforce payment of any call or interest thereon, a certificate under the seal of the company and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, that the call or calls have been made, to enforce payment of which or of any interest thereon such action has been brought, and that so much is due by him and unpaid thereon, shall be received in all courts as *prima facie* evidence.

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#### Cost of Incorporation.

Cost of in-  
corporation  
chargeable to  
shareholders.

**184.** The entire cost of procuring the incorporation and subscriptions for stock shall be charged directly to the account of the shareholders \*and the amount thereof fixed by a percentage on capital stock or fixed in bulk and shown on the face of the form of the stock subscription contract,\* and shall not form a charge upon or be paid out of the paid-up capital nor from the insurance funds, nor be in any way chargeable directly or indirectly against the policyholders.

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#### Declaration of Profits.

Profits from  
participating  
policies.

**185.** In the case of life companies having a capital stock, whether called by the name of guarantee fund or any other name, the directors may from time to time set apart such portion of the net profits as they shall deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources, and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been distinguished as having been derived from participating policies, (including a share of the profits arising from the sale of securities in the proportion of the reserve on the participating policies to the total reserve), to the extent of not less than ninety per cent thereof; and, before fixing or arriving at the amount of divisible profits, interest on the amount of unimpaired paid-up capital stock but not including any premiums or bonuses paid thereon or in respect thereof which have been expended in the establishment, prosecution or extension of the company's business or applied to making good any impairment of capital, and on any other sum or sums from time to time standing at the credit of the shareholders may be allowed or credited to such shareholders at the average net rate of interest earned in the preceding year or other period under consideration upon the mean invested funds of the company, such shareholders to be however charged with a fair proportion of all losses incurred upon investments or other losses of a similar character.

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Surrender  
of policy.

**186.** In the case of life companies whenever any holder of a policy other than a term or natural premium policy has paid three

or more annual premiums thereon or their equivalent half-yearly or quarterly premiums 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  
 5 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 occur, or extended insurance under the policy for a period  
 10 proportionate to such cash surrender value.

2. The sums so ascertained and the duration for which insurance may be extended, based upon the assumption that the policy is not subject to any lien by way of loan or otherwise, shall be inserted in the policy and form a part of the contract between the  
 15 company and the insured.

3. In the event of the policy being subject to any such lien when default is made in payment of a premium as aforesaid, such lien shall be taken into account in fixing the cash surrender value and the paid-up or commuted policy herein referred to.

4. Until the policyholder elects to accept such cash surrender value or such paid-up and commuted policy, such cash surrender value shall be applied by the company to maintain the policy in force at its full face value until the whole of the surrender value under the policy is exhausted.

#### \*PART VI.

*\*Penalties for offences not otherwise provided for.*

25 **\*187.** Any company which, or person who, does, causes or permits to be done any matter, act or thing contrary to any provision of this Act, or to the orders or directions of the Governor in Council, or of the Minister, or of the Superintendent, made under this Act, or omits to do any matter, act or  
 30 thing by this Act required to be done by or on the part of such company or person, shall, if no other penalty for such act or omission is provided in this Act, be liable for each such offence to a penalty of not less than twenty dollars and not more than five thousand dollars in the discretion of the court before which  
 35 such penalty is recoverable.

2. Such company or person shall also, in addition to such penalty, be liable to any person injured by such matter, act or thing, or by such omission, for all damages sustained thereby.

3. All such penalties shall be recoverable and enforceable, with costs at the suit of His Majesty, instituted by the Attorney General of Canada, and shall when recovered be applied towards payment of the expenses of the Department.\*

#### PART VII.

#### REPEAL.

**\*188.** *The Insurance Act*, chapter 34 of the Revised Statutes, 1906, except sections 49, 51, 52 and 71 thereof is hereby repealed  
 45 on the day of the passing of this Act.

2. The said sections 49, 51, 52 and 71 are hereby repealed on the first day of January, 1911.

3. All other Acts and parts of Acts passed by the Parliament of Canada which relate to companies within the legislative power of the said Parliament, and are inconsistent with the provisions of this Act, are hereby repealed on the day of the passing of this Act, except such as relate specifically to the following corporations, namely:—

Exception.

- The Supreme Court of the Independent Order of Foresters;
- The Grand Council of the Catholic Mutual Benefit Association of Canada;
- The Canadian Order of the Woodmen of the World.

SCHEDULE.

FORM A.

*This Statement is to be filled up and returned in Duplicate to this Office on or before 1st March, 19 .*

ANNUAL STATEMENT

FOR THE YEAR ENDING 31ST DECEMBER, 19 .

Of the condition and affairs of .....

President .....	Secretary .....
Principal Office .....	Agent .....
Incorporated .....	Commenced business in Canada .....
(date) .....	(date) .....

	\$	cts.
I.—CAPITAL.		
1. Amount of Joint Stock or Guarantee Capital authorized .....		
2. Amount subscribed for .....		
3. Amount paid up in cash .....		

LIST OF SHAREHOLDERS.

NAME.	RESIDENCE.	Amount Subscribed for.		Amount Paid up in cash.	
		\$	cts.	\$	cts.

(To be given in a separate schedule attached. If a list has been returned the previous year, it will be sufficient to indicate the additions or corrections thereto.)

LIST OF DIRECTORS.

As at.....19 . (Date of filing of Statement.)

	\$	cts.
<b>II.—ASSETS AS PER LEDGER ACCOUNTS.</b>		
1. Value of Real Estate (less encumbrances) held by the Company..... <i>(Detailed statement to be given in a separate schedule.)</i>		
2. Amount secured by way of loans on Real Estate, by bond or mortgage, first liens. ....		
3. The same, second liens. .... <i>(Detailed statement of loans in 2 and 3 to be given in a separate schedule.)</i>		
4. Amount of loans secured by bonds, stocks or other marketable col- laterals..... <i>(Par and market value of each such collateral and amount loaned thereon in a separate schedule.)</i>		
5. Amount of loans as above on which interest has been overdue for one year or more previous to statement <i>(details in a separate schedule).</i>	\$	
6. Amount of loans made to policyholders on the Company's policies as- signed as collaterals. ....		
7. Premium obligations on the policies in force, the reserve on each policy being in excess of all indebtedness thereon.....		
8. (a) Value in account of bonds, debentures and debenture stocks owned by the Company..... <i>(Details of par, ledger and market value, date of maturity and rate of interest of each kind to be given in a separate schedule.)</i>		
8. (b) Value in account of stocks owned by the Company <i>(details to be given in a separate schedule)</i> .....		
9. Cash at head office.....		
10. Cash in banks <i>(with details)</i> .....		
11. Bills receivable.....		
12. Agents' ledger balances.....		
13. All other ledger assets <i>(details in separate schedule)</i> .....		
Total ledger assets.....		
<b>OTHER ASSETS.</b>		
14. *Market value of stocks, bonds, debentures, &c., over value in account.		
15. Due from other companies for losses or claims on the Company's policies reinsured.....		
16. Interest due <i>(with details)</i> ..... \$		
" accrued <i>(with details)</i> .....		
Total carried out.....		
17. Rents due..... \$		
" accrued.....		
Total carried out.....		
18. Gross premiums due and uncollected on policies in force.....	\$	\$
Gross deferred premiums on same.....		
Totals.....		
Deduct commission at..... per cent on 'new' and..... per cent on 'renewals'.		
Net amount of outstanding and deferred premiums.....		
Total Assets.....		

\*If the total market value of any item of assets is less than the value in account a deduction should here be made.

	\$	cts.
<b>III.—LIABILITIES.</b>		
Amount computed or estimated upon the statutory basis, without regard to allowance permitted by sec. 42, sub-sec. 3, to cover the present value of all policies, reversionary additions, premium reductions, and annuities in force.....		
Additional reserves voluntarily maintained to bring the total reserves up to the net values by the.....table and.....per cent., (being the Company's voluntary basis of valuation).....		
Total.....		
Deduct value of policies reinsured.....		
Net reserve (particulars as in Detail 1. A.).....		
Deduct amount of allowance permitted by sec. 42, subsec. 3 (the full statutory allowance being \$....., as shown in Detail 1. B.).....		
Net reserve, less allowance.....		
2. Present value of amounts not yet due on matured instalment policies..		
3. Amount calculated, or otherwise ascertained, and reserved for apportionment to deferred dividend policies (particulars as called for by Detail 2).....		
4. Claims for death losses:		
(1) Due and unpaid.....\$.....		
(2) Adjusted but not due.....		
(3) Unadjusted but not resisted.....		
(4) Resisted—in suit.....		
" not in suit.....		
5. Claims for matured endowments:		
(1) Due and unpaid.....\$.....		
(2) Adjusted but not due.....		
(3) Unadjusted but not resisted.....		
(4) Resisted—in suit.....		
" not in suit.....		
(If any of the items in 4 and 5 accrued in previous years state the amounts.)		
6. (1) Due and unpaid annuity claims.....\$.....		
(2) Resisted—in suit.....\$.....		
" not in suit.....		
7. Surrender values claimable on policies cancelled whose reserves are not included in item 1.....		
8. Amount of dividends or bonuses to policyholders due and unpaid.....		
9. Amount of dividends to stockholders due and unpaid.....		
10. Due on account of office and other expenses.....		
11. Premiums paid in advance.....		
12. Due on account of loans.....		
13. Taxes due and accrued.....		
14. Balance of shareholders' account.....		
15. Amount of all other liability of the Company (with details).....		
16. Total liability.....		
17. Excess of assets over liabilities.....		
18. Capital stock paid up.....		
*19. Surplus above all liabilities and capital.....		

**SHAREHOLDERS' ACCOUNT.**

1. Balance of Shareholders' Account, 31st December, last year.....	\$
2. Interest added during the year.....	
3. Shareholders proportion of profits.....	
Total.....	\$
4. Amount of dividends paid during the year.....	\$
5. Shareholders' proportion of losses upon investments and other similar losses..	
Total.....	\$
6. Balance of Shareholders' Account at 31st December, this year.....	\$

\* Show separately the amount of surplus contingently apportioned to deferred dividend policies issued prior to January 1st, 1911.

	\$	cts.
IV.—INCOME DURING THE YEAR.		
1. Cash received for First Year Premiums.....	\$.....	
Less premiums paid for reinsurance.....	.....	
Total net income from First Year's premiums.....	\$.....	
2. Cash received for renewal premiums.....	\$.....	
Renewal premiums paid by dividends.....	.....	
Total.....	\$.....	
Less premiums paid for reinsurance.....	.....	
Total net income from renewal premiums.....	\$.....	
3. Cash received for single premiums.....	\$.....	
Single premiums paid by dividends.....	.....	
Total.....	\$.....	
Less single premiums paid for reinsurance.....	.....	
Total net income from single premiums.....	\$.....	
4. Cash received for single premiums for life annuities....	\$.....	
Cash received for annual premiums for life annuities....	.....	
Total.....	\$.....	
Less premiums paid for reinsurance.....	.....	
Total net income from Life Annuity premiums.....	\$.....	
5. Total net premium income.....	.....	
6. *Gross* Cash received for interest or dividends on stock, &c.....	.....	
7. *Net* Cash received for rents.....	.....	
*8. Net cash received as profit on securities actually sold.....	.....	
9. Cash received by way of premium upon Capital Stock.....	.....	
10. All other income ( <i>with details</i> ).....	.....	
11. Total.....	.....	
12. Cash received for calls on Capital.....	\$.....	
Cash received for increased Capital.....	.....	
Total carried out.....	.....	
13. Total cash income during the year.....	.....	

\*If a net loss has been sustained upon securities sold, a deduction should here be made

V.—EXPENDITURE DURING THE YEAR.		\$	cts.
1. Cash paid for death losses (including bonus additions, \$.....)	\$.....		
Payments on matured instalment policies.....	.....		
Total.....	\$.....		
Deduct reinsured death claims.....	.....		
Net amount paid for death claims.....	.....		
2. Cash paid for matured endowments (including bonuses, \$.....)	\$.....		
Payments on matured instalment policies.....	.....		
Total.....	\$.....		
Deduct reinsured endowment claims.....	.....		
Net amount paid for endowment claims.....	.....		
3. Total amount paid for death claims and matured endowments.....			
<i>(If any of the items in 1 and 2 accrued in previous years state the amounts. Also state the amounts of any reversionary bonuses.)</i>			
4. Cash paid to annuitants.....	\$.....		
5. Cash (and premium obligations, &c.), paid for surrendered policies.....	.....		
6. Cash dividends paid to policyholders.....	.....		
Cash dividends applied in payment of premiums.....	.....		
Total carried out.....	.....		
7. Total amount paid to policyholders.....	.....		
8. Cash paid to stockholders for interest or dividends.....	.....		
9. Cash paid for taxes, license, fees or fines.....	.....		
10. Cash paid for investment expenses (with details).....	.....		
11. General expenses:			
Head Office salaries.....	.....		
Head Office travelling expenses.....	.....		
Directors' fees.....	.....		
Auditors' fees.....	.....		
Commissions, first year.....	.....		
Commissions, renewal.....	.....		
Commission advanced to agents.....	.....		
Agency salaries.....	.....		
Agency travelling expenses.....	.....		
Other agency expenses.....	.....		
Miscellaneous expenses in detail.....	.....		
Total expenditure.....	.....		
* * * * *			

## SYNOPSIS OF LEDGER ACCOUNTS.

1. Amount of net Ledger Assets, 31st December, last year.....	\$.....
2. Amount of cash income as per IV.....	.....
3. Amount of appreciation in ledger values of assets or items written up (with details).....	.....
Total.....	\$.....
4. Amount of expenditure as per V.....	\$.....
5. Amounts written off ledger assets not included in V. (with details).....	.....
Total.....	\$.....
6. Balance—net ledger assets, 31st December, this year.....	\$.....

In the following items instalment policies and policies with deferred payments should be entered at their commuted value.      \$      cts.

VI.—MISCELLANEOUS.

1. Number of new policies taken during the year and paid for in cash...		
2. Amount of said policies.....		
3. Amount of said policies reinsured in other licensed companies in Canada.....		
4. Number of policies become claims (including matured endowments) during the year.....		
5. Amount of said claims (including matured endowments). \$.....		
6. Amount of above claims reinsured in other licensed companies in Canada.....		
Net amount carried out.....		
7. Number of policies in force at date.....		
8. Amount of said policies..... \$.....		
Bonus additions thereto.....		
Total..... \$.....		
9. Amount of said policies reinsured in other licensed companies in Canada, including \$..... bonus additions.....		
10. Net amount in force at (date).....		
11. Number of Life Annuities in force at (date).....		
12. Amount of annual payments thereunder..... \$.....		

\* \* \* \* \*

VII.—A. EXHIBIT OF POLICIES.

CLASSIFICATION.	1.—WHOLE LIFE POLICIES.		2.—ENDOWMENT POLICIES.		3.—ALL OTHER POLICIES.		4.—BONUS ADDITIONS.		5.—TOTAL NOS. AND AMOUNTS.	
	No.	Amount.	No.	Amount.	No.	Amount.	Amount.	No.	Amount.	
1. At the end of previous year.....		\$		\$		\$		\$		\$
2. New policies issued.....										
3. Old policies revived.....										
4. Old, changed and increased.....										
Totals.....										
Deduct ceased:										
5. By death.....										
6. By maturity.....										
7. By expiry.....										
8. By surrender.....										
9. By lapse.....										
10. By change and decrease.....										
11. By not taken.....										
12. Total terminated.....										
13. Policies in force at end of year.....										
14. Policies re-insured.....										

NOTE.—Instalment policies should be entered and deducted in the above Exhibit of Policies for the commuted value of instalments only. An exhibit, similar to the above, is to be furnished for industrial policies.

VII.—B. EXHIBIT OF ANNUITIES.

CLASSIFICATION.	1.—LIFE ANNUITIES PROPER.		2.—LIFE ANNUITIES ARISING OUT OF LIFE ASSURANCE CONTRACTS.	
	No.	Annual Payments.	No.	Annual Payments.
1. At the end of previous year .....		\$		\$
2. New annuities .....				
Totals .....				
Deduct ceased				
3. By death. ....				
4. By expiry .....				
5. By .....				
6. Total terminated .....				
7. In force at end of year .....				

LIABILITIES, ITEM I.—

DETAIL 1.

A.—STATEMENT OF ACTUARIAL LIABILITIES OF THE ..... COMPANY.

1. Whole Life Assurances in force:—

(a) With Profit Assurances:

	No. of Policies in Force.	Amount in Force.	Value.
Gross number and amounts ....	.....	\$.....	\$.....
Less re-insured .....	.....	.....	.....
	<hr/>	<hr/>	<hr/>
Net number and amounts .....	.....	\$.....	\$.....

(b) Without Profit Assurances: (as above).

2. Endowment Assurances in Force: (a and b as above).

3. Temporary and other remaining Assurances in Force: (a and b as above).

4. (a) Bonus Additions:

Amount of Bonus additions.	Value.
\$.....	\$.....

(b) Premium Reductions:

Amount per Annum.	Value.
\$.....	\$.....

5. Life Annuities arising out of Life Assurance Contracts:—

No.	Yearly Amount Payable.	Value.
.....	\$.....	\$.....

6. Life Annuities Proper:—

No.	Yearly Amount Payable.	Value.
.....	\$.....	\$.....

(The gross, reinsured and net figures should be set forth under each head, as indicated in 1 (a). Basis of valuation for each class of business to be clearly stated).



## DETAIL 3.

STATEMENT of the Life Insurance and Annuity Business of  
the.....Company.

1. Set forth the Office Premiums in Force, at the date of this return, at age 20, and at every fifth age thereafter, for each class of insurance and annuity business transacted, distinguishing between *With* and *Without Profit Sections*.

2. Statement respecting profits paid:—

(a) Rates of annual dividends declared during the year, for ages of entry 25, 35, 45 and 55, and for all durations under each class of insurance;

(b) Rates of dividend declared, at the last previous allotment, upon policies to which profits are distributed at intervals other than yearly, being policies other than upon the deferred dividend plan, specifying age, duration and class as above;

(c) Rates of dividend declared upon deferred dividend policies which completed their dividend period during the year, specifying age, duration, and class as above.

(All three to be accompanied by a definite statement of the method by which such dividends or amounts have been computed.)

## DETAIL 4.

*Miscellaneous Statement.*

1. Were the policies and annuities valued individually or in groups?
2. How was the valuation age determined (a) for assurances? (b) for annuities?
3. How were the following classes of policies valued?—
  - (a) Policies issued on lives resident in tropical or sub-tropical countries at rates of premiums greater than the regular Canadian rates;
  - (b) Policies issued at premiums corresponding to ages higher than the true ages;
  - (c) Policies providing for payments at death during certain periods of an amount less than the full amount of insurance;
  - (d) Policies issued at a fixed extra premium, whether payable in one sum or annually.
4. State what provision is made under tropical and sub-tropical policies as regards—
  - (a) surrender values;
  - (b) the surplus credited or allotted to such policies.
5. What reserve, if any, is held under limited and single premium policies on account of prepaid or limited loadings
6. State the general method or principle upon which surplus is distributed as between shareholders and policyholders.
7. State the average rate of interest at which the funds were invested during the year, giving an explanation of how such average rate was computed.

FORM A. 1.

SCHEDULE SHOWING MOVEMENT OF SECURITIES FOR THE SIX MONTHS BEGINNING 1ST DAY OF . . . 19 , AND ENDING . . .  
 DAY OF . . . , 19 .

(a) BONDS, STOCKS, AND DEBENTURES PURCHASED.

Description of each kind of Bond, &c.	From whom Purchased.	When Purchased.	Commission paid (if any).	Rate of Interest.	Date of Issue.	Date of Maturity.	Par Value.	Price paid

(b) REAL ESTATE PURCHASED.

Description and Location of Property.	From whom purchased.	Date of purchase or of acquisition.	Commission paid (if any).	Price paid, or value at which transferred to Real Estate ac., each parcel separately.



REAL ESTATE SOLD.

(f)

Short Description of Property.	To whom sold.	Date of purchase, or of acquisition.	Commission paid (if any).	Price paid therefor, or at which carried to Real Estate account.	Value in Account.	Price received for each parcel.

(g)

COLLATERAL LOANS REPAYED.

Description of Collateral released.	By whom paid.	VALUE OF SECURITY RELEASED.		Amount repaid
		Par Value.	Market value.	

(h) [The Total Amount of Principal Moneys received upon Mortgages, or Consideration for Mortgages sold during the half year must be given; and, also, separately, the Total Amount of Policy Loans Repaid.]

FORM B.

*This Statement is to be filled up and returned in Duplicate to this Office on or before 1st March, 19 .*

ANNUAL STATEMENT

FOR THE YEAR ENDING 31ST DECEMBER, 19 .

Of the condition and affairs of.....

President.....	Secretary.....
Principal Office.....	Agent.....
Organized or incorporated: (date).....	Commenced business in Canada: (date).....

	\$	cts.
I.—CAPITAL.		
1. Amount of Joint Stock or Guarantee Capital authorized.....		
2. Amount subscribed for.....		
3. Amount paid up in cash.....		

LIST OF STOCKHOLDERS.

*As at 31st December, 19 .*

NAME.	RESIDENCE	Amount Subscribed for.		Amount Paid up in cash	
		\$	cts.	\$	cts.

(To be given in a separate schedule attached. If a list has been returned the previous year, it will be sufficient to indicate the additions or corrections thereto.)

LIST OF DIRECTORS.

*As at.....19 . (Date of filing of Statement.)*

	\$	cts.
II.—ASSETS AS PER LEDGER ACCOUNTS.		
1. Value of Real Estate (less encumbrances) held by the Company . . . . .		
<i>(Detailed statement to be given in a separate schedule.)</i>		
2. Amount secured by way of loans on Real Estate, by bond or mortgage, first liens . . . . .		
3. The same, second liens . . . . .		
<i>(Detailed statement of loans in 2 and 3 to be given in a separate schedule.)</i>		
4. Amount of loans secured by bonds, stocks or other marketable collaterals . . . . .		
<i>(Par and market value of each such collateral and amount loaned thereon in a separate schedule.)</i>		
5. Amount of loans as above on which interest has been overdue for one year or more previous to statement <i>(details in a separate schedule)</i> . . . . .	\$	
6. Value in account of bonds, debentures and debenture stocks owned by the Company . . . . .		
<i>(Details of par, ledger and market value, date of maturity and rate of interest of each kind to be given in a separate schedule.)</i>		
7. Value in account of stocks owned by the Company <i>(details to be given, in a separate schedule)</i> . . . . .		
8. Cash at head office . . . . .		
9. Cash in banks <i>(with details)</i> . . . . .		
10. All other ledger assets <i>(details in separate schedule)</i> . . . . .		
Total ledger assets . . . . .		
OTHER ASSETS.		
11. *Market value of stocks, bonds, debentures, &c., over value in account.		
12. Interest due <i>(with details)</i> . . . . .	\$	
" accrued <i>(with details)</i> . . . . .		
Total carried out . . . . .		
13. Rents due . . . . .	\$	
" accrued . . . . .		
Total carried out . . . . .		
14. Agents' Balances and premiums uncollected . . . . .		
15. Bills receivable held by the Company . . . . .		
Amount of same overdue . . . . .	\$	
16. Amount of premium notes on hand on which policies are issued . . . . .	\$	
Deduct amount paid thereon . . . . .		
And deduct amount assessed thereon remaining unpaid . . . . .		
Balance carried out . . . . .		
17. Total assessments on Premium notes . . . . .	\$	
Deduct amount paid thereon . . . . .		
Balance carried out . . . . .		
18. Amount of assessment on Stock notes . . . . .	\$	
Deduct amount paid thereon . . . . .		
Balance carried out . . . . .		
19. All other property belonging to the Company, with a detail thereof in a separate schedule . . . . .		

\* If the total market value of any item of assets is less than the value in account, a deduction should here be made.

	\$	CTS.
20. Gross amount of all the Assets of the Company.....		
21. Amount which should be deducted from the above Assets on account of bad and doubtful debts and securities, viz:—		
From item No.....\$.....; No.....\$.....;		
No.....\$.....; No.....\$.....; No.....		
\$.....; No.....\$.....		
Total deductions.....		
22. Aggregate amount of all the Assets of the Company, stated at their actual value.....		
<p>NOTE ON ITEMS (6) and (7). If any of these Stocks have any lien upon them for the benefit of any particular class of Policyholders, or if they are deposited with the Government of any State or Country, the fact must be specially stated.</p>		
<p>III.—LIABILITIES.</p>		
<p>(1) LIABILITIES IN CANADA.</p>		
<p>(1) For Fire Losses in Canada.</p>		
1. *Net amount of Losses due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted.....		
(3) " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Fire losses in Canada.....		
<p>(2) For Inland Navigation Losses in Canada.</p>		
1. *Net amount of losses in Canada due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted.....		
(3) " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Inland Navigation losses in Canada.....		
<p>(3) For Marine (Ocean) Losses in Canada.</p>		
1. *Net amount of losses in Canada due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted.....		
(3) " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Marine (Ocean) losses in Canada.....		
5. Total net amount as above of unsettled claims for Fire, Inland Navigation and Marine (Ocean) losses in Canada.....		

\* After deducting reinsurance and salvage.

† If any of these accrued previous to 19 , state the amounts.

	\$	cts.
6. †Gross Premiums received and receivable upon all unexpired (not re-insured) Fire risks in Canada, \$.....		
Reserve of Unearned Premiums thereon <i>pro rata</i> for the period unexpired, \$.....		
7. Gross Premiums received and receivable upon all unexpired (not reinsured) Inland Navigation risks, \$.....		
Reserve of Unearned Premiums thereon at 50 per cent, \$.....		
8. Gross Premiums received and receivable upon all unexpired (not reinsured) Marine (Ocean) risks, \$.....		
Reserve of Unearned Premiums thereon at 100 per cent, \$.....		
9. Total reserve as above of Unearned Premiums for all outstanding risks in Canada.....		
10. (1) Dividends declared and due, and remaining unpaid.....		
(2) " " but not yet due.....		
11. Due and accrued for salaries, rent, advertising, agency and other miscellaneous expenses.....		
12. (1) Amount of money borrowed, stating amount of each loan separately, the security given therefor, and the rate of interest payable ..		
(Details to be given in separate schedule.)		
(2) Interest thereon due and unpaid.....		
(3) " " accrued but not yet due.....		
13. Amount of all other claims against the Company, with a detailed statement thereof.....		
14. ‡Total amount of all Liabilities in Canada except Capital Stock.....		
(2) LIABILITIES IN OTHER COUNTRIES.		
(1) For Fire Losses in other Countries.		
1. *Net amount of Losses due and yet unpaid.....		
2. (1) " " adjusted but not due.....		
(2) " " claimed but not adjusted.....		
(3) " " reported or supposed, but not claimed.....		
3. *Net amount of Losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Fire Losses.....		
(2) For Inland Navigation Losses in other Countries.		
1. *Net amount of losses in other countries due and yet unpaid.....		
2. (1) " " " " adjusted but not due.....		
(2) " " " " claimed but not adjusted....		
(3) " " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Inland Navigation losses..		

\* After deducting reinsurance and salvage.

† If any of these accrued previous to 1911, state the amounts.

‡ In cases where the actual amounts to be reserved of the individual Premiums *pro rata* for the time unexpired have not been calculated, the following approximations may be used:

For the total of unexpired policies whose original term was one year or less, reserve one-half of the Gross Premiums.

For the totals of two-year-term policies: unexpired period being one year or less, reserve one-fourth; and unexpired period being more than one year, reserve three-fourths.

For the totals of three-year-term policies: unexpired term being one year or less, reserve one-sixth; unexpired period being more than one year but not more than two years, reserve one-half; unexpired period being more than two years, reserve five-sixths.

Other term policies *pro rata*.

(Detailed statement to be given in schedule on opposite page.)

	\$	cts.
(3) For Marine (Ocean) Losses in other Countries.		
1. *Net amount of losses in other countries due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted....		
(3) " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Marine (Ocean) Losses in other countries.....		
5. Total net amount as above of unsettled claims for Fire, Inland Naviga- tion and Marine (Ocean) losses in other countries.....		
6. Gross premiums received and receivable upon all unexpired Fire risks (not reinsured), \$.....		
Reserve of unearned premiums thereon <i>pro rata</i> for the period unex- pired, \$.....		
7. Gross Premiums received and receivable upon all unexpired (not rein- sured) Inland Navigation risks, \$.....		
Reserve of unearned premiums thereon at 50 per cent, \$.....		
8. Gross Premiums received and receivable upon all unexpired (not rein- sured) Marine (Ocean) risks, \$.....		
Reserve of unearned premiums thereon at 100 per cent, \$.....		
9. Total reserve as above of unearned premiums for all outstanding risks.		
10. Due and accrued for salaries, rent, advertising, agency and other mis- cellaneous expenses.....		
11. (1) Amount of money borrowed, stating amount of each loan separ- ately, the security given therefor, and the rate of interest payable.		
(Detailed statement to be given in a separate schedule.)		
(2) Interest thereon due and unpaid.....		
(3) " " accrued but not due.....		
12. Amount of all other claims against the Company (with a detailed state- ment thereof).....		
13. Total amount of all Liabilities in other countries.....		
14. Total amount of Liabilities in all countries except Capital Stock.....		
15. Capital Stock paid up in cash and notes.....		
16. Surplus (if any) beyond all Liabilities and Capital Stock paid up.....		

\* After deducting reinsurance and salvage.

† If any of these accrued previous to 19 , state the amounts.

RECAPITULATION OF FIRE RISKS AND PREMIUMS IN FORCE IN CANADA.

Year Written.	TERM.	Gross Amount in Force.	Gross Premiums thereon.	*Amount Reinsured.	*Gross Premiums thereon.	Net Amount in Force.	Gross Premiums thereon.	Fraction Unearned.	Reserve of Unearned Premiums.
		\$	\$ cts.	\$	\$ cts.	\$	\$ cts.		\$ cts.
19	One year or less.....								
19	Two years.....								
19	Three years.....								
19	Three years.....								
19	Three years.....								
	Totals..								

\* Reinsurances in licensed companies only to be deducted.



## Fire risks in Canada.

PROVINCE.	Net Premiums received.	Net Losses paid.
Ontario.....		
Quebec.....		
Nova Scotia.....		
New Brunswick.....		
Prince Edward Island.....		
Manitoba.....		
British Columbia.....		
Alberta.....		
Saskatchewan.....		
Totals.....		

## STATEMENT OF REINSURANCE OF CANADIAN BUSINESS IN COMPANIES NOT LICENSED UNDER THE INSURANCE ACT.

	\$	cts.
(1) Fire risks in Canada.		
1. Amount of reinsurance premiums in unlicensed companies.....		
2. Amount of commission thereon.....		
3. Amount of losses recovered from said companies.....		
(2) Inland Marine risks in Canada.		
1. Amount of reinsurance premiums in unlicensed companies.....		
2. Amount of commission thereon.....		
3. Amount of losses recovered from said companies.....		

## IV.—INCOME.

	IN CANADA.		IN OTHER COUNTRIES.	
	\$	cts.	\$	cts.
(1) For Fire Risks.				
1. Gross Premiums unpaid or in the hands of agents 31st December, last year.....				
2. Gross Premiums written or renewed during the year.....				
3. Total.....				
4. Deduct Gross Premiums unpaid or in hands of agents 31st December, this year.....				
5. Gross cash received for Fire Premiums.....				
*6. Deduct reinsurance, rebate, abatement and return Premiums.....				
7. Total net cash received during year for fire Premiums.....				
(2) For Inland Navigation Risks.				
1. Gross Premiums unpaid or in the hands of agents 31st December, last year.....				
2. Gross Premiums written or renewed during the year.....				
3. Total.....				
4. Deduct Gross Premiums unpaid or in hands of agents, 31st December, this year.....				

IV.—INCOME—Concluded.

	IN CANADA.		IN OTHER COUNTRIES.	
	\$	cts.	\$	cts.
5. Gross cash received for I. N. Premiums.....				
*6. Deduct reinsurance, rebate, abatement and return Premiums.....				
7. Total net cash received during year for I. N. Premiums.....				
<i>(3) For Marine (Ocean) Risks.</i>				
1. Gross Premiums unpaid or in the hands of agents 31st December, last year.....				
2. Gross Premiums written or renewed during the year.....				
3. Total.....				
4. Deduct Gross Premiums unpaid or in hands of agents 31st December, this year.....				
5. Gross cash received for Ocean Premiums.....				
*6. Deduct reinsurance, rebate, abatement and return Premiums.....				
7. Total net cash received during year for Ocean Premiums.....				
8. Total net cash actually received for Premiums in all Countries.....				
9. Received for Interest and Dividends on Stocks, Bonds, &c.....				
10. " Rents.....				
11. Income received from all other sources.....				
<i>(Detailed statement in a separate schedule.)</i>				
12. Received for calls on Capital.....	\$			
" increased Capital.....				
Total carried out.....				
13. Aggregate amount of Income actually received during the year in cash.				

\* For business in Canada, reinsurances in licensed companies only to be deducted.

V.—EXPENDITURE.

	IN CANADA.		IN OTHER COUNTRIES.	
	\$	cts.	\$	cts.
(1) For Fire Risks.				
1. Amount paid during the year for losses occurring in previous years (which losses were estimated in the last statement at \$..... net).....				
2. Deduct savings and salvage.....\$..... †Also amount received for reinsurances from other Companies..				
Total deductions (carried out)....				
Net amount paid during the year for said losses.				
3. Amount paid for losses occurring during the year				
4. Deduct savings and salvage.....\$..... †Also amount received for reinsurances from other Companies..				
Total deductions (carried out)....				
Net amount paid during the year for said losses.				
5. Total net amount paid during the year for Fire losses.....				
(2) For Inland Navigation Risks.				
1. Amount paid during the year for losses occurring in previous years (which losses were estimated in the last statement at \$..... net).....				
2. Deduct savings and salvage.....\$..... †Also amount received for reinsurances from other Companies..				
Total deductions (carried out)....				
Net amount paid during the year for said losses.				
3. Amount paid for losses occurring during the year				
4. Deduct savings and salvage.....\$..... †Also amount received for reinsurances from other Companies..				
Total deductions (carried out)....				
Net amount paid during the year for said losses.				
5. Total net amount paid during the year for Inland Navigation losses.....				
			\$	cts.
6. Total net amount paid during the year for Fire and Inland Navigation losses.....				
*7. Total net amount paid during the year for Marine (Ocean) losses, viz.: in Canada, \$.....; in other countries, \$..... Total.....				
8. Amount of dividends paid during the year, at.....(rate).....				
9. Paid or allowed for Commission or Brokerage.....				
10. Paid for Salaries, Fees and all other charges of officials.....				
11. Paid for Taxes.....				
12. All other payments and expenditures ..... (Detailed statement to be given in a separate schedule.)				
13. Aggregate amount of actual Expenditure in Cash.....				

\* If any of these accrued in previous years, state the amounts.

† For business in Canada, reinsurances in licensed companies only to be deducted

SYNOPSIS OF LEDGER ACCOUNTS.

	\$	cts.
1. Amount of net Ledger Assets 31st December, last year.....		
2. Amount of cash income as per IV.....		
3. Amount of appreciation in ledger values of assets or items written up (with details).....		
Total.....		
4. Amount of expenditure as per V.....		
5. Amount written off ledger assets not included in V (with details).....		
Total.....		
6. Balance, net ledger assets 31st December, this year.....		

VI.—MISCELLANEOUS.

RECAPITULATION of Fire Risks and Premiums Written or Renewed during the Year 19 .

(1) *In Canada.*

Expiring in Year.	Term.	Gross amount written.	Premiums thereon.
19	Less than one year.....		
19	One year or less.....		
19	Two years.....		
19	Three years.....		
	Totals.....		

(2) *In Other Countries.*

Expiring in Year.	Term.	Gross amount written.	Premiums thereon.
19	Less than one year.....		
19	One year or less.....		
19	Two years.....		
19	Three years.....		
19	Four years.....		
19	Five years.....		
	Totals.....		

VI.—MISCELLANEOUS.—RISKS AND PREMIUMS—Continued.

	IN CANADA.			IN OTHER COUNTRIES.			TOTAL IN ALL COUNTRIES.		
	No.	Amount.	Premiums.	No.	Amount.	Premiums.	No.	Amount.	Premiums.
			\$			cts.			\$
<b>(1) Fire Risks.</b>									
1.									
2.									
3.									
4.									
*5.									
†6.									
*7.									
<b>(2) Inland Marine Risks.</b>									
1.									
2.									
3.									
4.									
5.									
†6.									
7.									

\* Details to be given in Schedules on pages . . . and . . . For business in Canada, reinsurances in licensed companies only to be deducted.  
 † Details to be given in Schedules on pages . . . and . . . For business in Canada, reinsurances in licensed companies only to be deducted.  
 ‡ For business in Canada, reinsurances in licensed companies only to be deducted.

VI.—MISCELLANEOUS.—RISKS AND PREMIUMS—Concluded.

	IN CANADA.			IN OTHER COUNTRIES.			TOTAL IN ALL COUNTRIES.		
	No.	Amount.	Premiums.	No.	Amount.	Premiums.	No.	Amount.	Premiums.
			\$			cts.			\$
<i>(3) Marine (Ocean) Risks.</i>									
1									
2									
3									
4									
5									
*6									
7									

Total No. of Policies in force at date.....; Total net amount in force, \$.....; Total premiums thereon, \$.....

\* For business in Canada, reinsurances in licensed companies only to be deducted.



BONDS AND DEBENTURES OWNED BY THE COMPANY

Description.	Date of Maturity.	INTEREST.		Par Value.	Book Value.	Market Value.	Interest due.	Interest Accrued.
		Rate	How Payable.					
				\$	\$	\$	\$	\$
				cts.	cts.	cts.	cts.	cts.

STOCKS OWNED BY THE COMPANY.

Description.	No. of Shares.	Rate of Dividend in each of last Three Years.	Par Value.	Book Value.	Rate used to obtain Market Value.	Market Value.
			cts.	cts.	cts.	cts.

FORM C.

FORM OF DECLARATION TO ACCOMPANY THE STATEMENT.

Province of                    }  
 County of                    }  
President, and  
 Secretary of

Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the                    day of                    last all the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company on the said                    day of                    last, and for the year ending on that day, according to the best of their information, knowledge and belief, respectively, and they declare that no change or amendment has been made in the Charter, Act of Incorporation, or Articles of Association of the Company, and no change in the Chief Agency or Chief Agent, without the Superintendent having been duly notified of such change or amendment.

*Signatures.*

Subscribed and sworn }  
 to before me this... day }  
 of.....A.D. 19 . }

FORM C1.

VERIFYING HALF YEARLY STATEMENT.

Province of                    }  
 County of                    }  
President, and  
 Secretary of

Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that according to the best of their knowledge, information and belief the foregoing statement correctly sets forth the information required by the schedule shown in Form A1 hereof, with full and accurate particulars in each case as called for by the said statement during the six months commencing the first day of..... 19....and ending the.....day of.....19....

Signatures.

Subscribed and sworn to }  
 before me, at the ..... }  
 ..... of ..... }  
 in the county of ..... }  
 this .... day of ..... 19 . }

NOTE.—*In the case of the half yearly statement required of Trustees, the above form applies with such changes only as are necessary.*

## FORM D.

In the matter of the (here insert name of the company). Notice is hereby given that the Minister of Finance has, pursuant to the one hundred and fourth and one hundred and fifth sections of *The Insurance Act, 1910*, directed assets to be retained, sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus additions and accrued profits) which have not been transferred or surrendered or in respect of which opposition has been filed as provided by the said one hundred and fourth section; and the assets so retained are hereby tendered to the aforesaid policyholders *pro rata* according to the aforesaid values of their respective policies. A list of such policyholders and of the amounts tendered to them respectively is hereinunder given, and notice is hereby given that any policyholder not signifying in writing to the Superintendent of Insurance his acceptance of the amount hereby tendered to him on or before the ..... day of ..... , A.D. 19 .., shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

## LIST of policyholders and amounts tendered.

Name.	Address, so far as known.	Amount and Number of Policies.	Amount Tendered.
-------	---------------------------	--------------------------------	------------------

Dated at Ottawa, this ..... day of ..... , A.D. 19 ..

(Signed)

Minister of Finance,  
 Canada.

(Signed)

Superintendent of Insurance.

## FORM E.

OFFICE OF THE SUPERINTENDENT OF INSURANCE.  
DEPARTMENT OF FINANCE,  
OTTAWA, 19 .

In the matter of the \_\_\_\_\_ (*here insert the name of the company*).

You are hereby notified that the Minister of Finance has, pursuant to the one hundred and fourth section of *The Insurance Act, 1910*, directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above company, including bonus additions and accrued profits, which have not been transferred or surrendered or in respect to which opposition has been filed as provided by the said one hundred and fourth section. The assets so retained are tendered to the aforesaid policyholders *pro rata* according to the aforesaid values of their respective policies.

The amount hereby tendered to you, and the policy or policies in respect of which the same is tendered, are given below, and you are hereby notified that unless on or before the day of \_\_\_\_\_ A.D. 19 , you signify in writing to the Superintendent of Insurance your acceptance of the amount hereby tendered, you shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

Yours, &c.,

(Signed)

*Superintendent of Insurance.*

Name.	Number and Amount of Policy.	Amount Tendered

## FORM F.

## MODEL BILL

## FOR INCORPORATION OF INSURANCE COMPANY.

An Act to incorporate the (*state the name of the Company*).

**W**HEREAS 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:—

**1.** (*Insert names of the persons applying for incorporation*) together with such persons as become shareholders in the company, are incorporated under the name of (*state name of company*), hereinafter called “the Company.”

**2.** The persons named in section 1 of this Act (*or as the case may be*) shall be the provisional directors of the Company. (*The name, address and addition of each director must be given.*)

**3.** The capital stock of the Company shall be..... dollars, which may be increased to.....dollars.

**4.** The amount to be subscribed before the general meeting for the election of directors is called shall be..... dollars.

**5.** The Company shall not commence business until..... dollars of the capital stock have been subscribed and.....dollars paid thereon.

**6.** The head office of the Company shall be in the..... of ....., in the province of.....

**7.** The Company may make contracts of insurance (*state particulars of the kinds of insurance intended to be carried on*).

**8.** *The Insurance Act, 1910*, shall apply to the Company.

## FORM G.

## POLICY LOAN AGREEMENT.

This agreement made this.....day of.....19.. between..... of....., hereinafter called "the Company," of the first part, and..... hereinafter called "the Borrower," of the second part.

Whereas the Company has this day made a loan to the Borrower of.....dollars (the receipt of which is hereby acknowledged), upon the security of Policy No..... issued by the Company, and its accumulations, or of any paid-up policy or other policy that may be issued in lieu thereof, now this agreement witnesseth that the said parties, in consideration of the premises, hereby agree as follows:—

1. Interest at the rate of..... per cent per annum shall be paid by the Borrower upon the said loan at the head office of the Company in....., Canada, upon the.....day of.....; the first payment of interest to be made on the.....day of.....19..; Provided, however, that any overdue interest shall, until paid, bear interest at the rate aforesaid.

2. In the event of default in payment of the said interest or of any premium on the said policy, the said policy shall, if the accumulated indebtedness, together with such premium and interest, is equal to or exceeds the cash surrender value of the policy, be deemed to be and shall be in fact surrendered to the Company.

3. In the settlement of any claim or any benefit under the said policy before the said loan with accrued interest have been fully paid, the Company shall be liable for the return of the balance only of the proceeds of the said claim or of the said benefit after deducting the said loan and accrued interest and any other indebtedness to the Company.

4. All the conditions, provisions, limitations and requirements of the said policy, except as herein expressly modified, shall remain in full force.

5. The Borrower has deposited the said policy with the Company as security for the said loan in the terms of this agreement, and covenants and agrees with the Company to abide by and perform all and singular the stipulations, conditions, provisions, limitations and agreements contained in this agreement and in the said policy.

6. Any other policy issued by the Company in substitution of the said Policy No..... shall be deposited with the Company and be retained by the Company as security for the said loan on the terms of this agreement.

7. The Borrower may repay the said loan with accrued interest at any time, and on payment as aforesaid of the said loan with accrued interest and all other indebtedness in respect of the said policy the Company will return the said policy and this agreement shall be deemed to be cancelled.

The Borrower hereby certif that.....over the age of twenty-one years.

In witness whereof the Borrower ha hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of

.....	.....
Name of Witness.	..... (L.S.)..
.....	Beneficiary sign here.
Address of Witness.	.....
.....	..... (L.S.)
Occupation of Witness.	Assured sign here.

[An affidavit of the due execution by all proper parties to the loan agreement may be required by the Company.]

THE SENATE OF CANADA.

BILL

A

An Act respecting Insurance.

Reprinted as amended, and reported on 8th March, 1910, by the Committee on Banking and Commerce.

BILL AS PASSED MARCH 10, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL A.

An Act respecting Insurance.

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 Insurance Act, 1910.*

Short title.

#### INTERPRETATION.

- 5 **2.** In this Act, unless the context otherwise requires,—
- (a) "Department" means the Department of Insurance con-  
stituted by this Act; Definitions. "Depart-  
ment."
- (b) "Minister" means the Minister of Finance; "Minister."
- (c) "Superintendent" means the Superintendent of Insur-  
10 ance; "Superin-  
tendent."
- (d) "company" means and includes any corporation or any  
society or association, incorporated or unincorporated, or any  
partnership carrying on the business of insurance; "Company."
- (e) "Canadian company" means a company incorporated or  
15 legally formed in Canada, for the purpose of carrying on the  
business of insurance in Canada, and which has its head office  
therein; "Canadian  
company."
- (f) "agency" or "chief agency" means the principal office or  
place of business of the company in Canada; "Chief  
agency."
- 20 (g) "agent" means the chief agent of the company in Canada,  
named as such in the power of attorney hereinafter referred to,  
by whatever name he is designated; "Agent."
- (h) "officer" includes the manager, secretary, treasurer,  
25 by-laws of the company; "Officer."

- “President.” (i) “president,” as regards a company other than a Canadian company, means and includes the chairman, governor, manager or other principal officer thereof;
- “Secretary.” (j) “secretary” means and includes the officer by whom the usual duties of a secretary are performed; 5
- “Annual statement.” (k) “annual statement,” in the case of companies incorporated or legally formed elsewhere than in Canada and licensed under this Act, includes both the statement of the Canadian business and of the general business of the company required by this Act to be made; 10
- “License.” (l) “license” includes certificate of registration;
- “Policy.” (m) “policy” includes a certificate of membership relating in any way to life insurance and any other written contract of insurance whether contained in one or more documents;
- (n) “Canadian policy” or “policy in Canada,” as regards fire 15 and inland marine insurance, means a policy of insurance on any property within Canada, issued by any company licensed under this Act to transact the business of fire or inland marine insurance;
- “Canadian policy.” (o) “Canadian policy” or “policy in Canada,” as regards life 20 insurance, means a policy or an annuity contract issued by any company licensed under this Act to transact the business of life insurance in Canada, in favour of any person or persons resident in Canada at the time when such policy was issued;
- “Policy in Canada.”
- “Policyholder in Canada.” (p) “policyholder in Canada” means, as respects life insur- 25 ance, any person upon whose life any company licensed under this Act to transact the business of life insurance in Canada has, while such person was resident in Canada, issued a policy;
- “Policyholder.” (q) “policyholder,” as respects life insurance, when used in reference to the person to whom a tender is made by the Minister, 30 as hereinafter provided, upon a company which ceases to do business applying for a release of deposits, means the person to whom the policy is issued and with whom the contract for insurance is made, and includes the assignee of such person;
- “Accident insurance.” (r) “accident insurance” means insurance against bodily in- 35 jury and death by accident, including loss or damage from accident or injury suffered by an employee or other person for which the person insured is liable; and the insurance of personal property other than plate or other glass against accidental damage or loss by reason of any cause except by fire 45 or perils of navigation;
- “Automobile insurance.” (s) “automobile insurance” means insurance against accidental bodily injury or death to its driver, including insurance against loss or damage from accident to or injury suffered by an employee or other person caused by an automobile for which the 0 owner is liable; and insurance against loss or damage to property from an accident caused by an automobile, except by fire; and insurance against loss or damage to an automobile by accident, burglary or theft;

- (t) "bond insurance" means guaranteeing the validity and legality of bonds issued by any province of Canada or by any city, county, town, village, school district, municipality or other civil division of any such province or by any private or public corporation; "Bond insurance."
- (u) "burglary insurance" means insurance against loss or damage by burglary, theft, or house-breaking; "Burglary insurance."
- (v) "explosion insurance" means insurance against damage to property of any kind caused by the explosion of natural or other gas; "Explosion insurance."
- (w) "guarantee insurance" means the guaranteeing of the fidelity of persons in positions of trust, public or private, guaranteeing and becoming security for the due performance of any contract or agreement or of the duties of any officer executing bonds in legal actions and proceedings; "Guarantee insurance."
- (x) "industrial insurance" means life insurance, the premiums for which are payable at shorter intervals than quarterly, and "industrial policies," means policies of life insurance whereon the premiums are so payable; but this paragraph shall not apply to life insurance undertaken by companies licensed under section 113 of this Act, nor to policies issued by such companies; "Industrial insurance."
- (y) "inland marine insurance" means marine insurance in respect to subjects of insurance at risk upon the waters of Canada, above the harbour of Montreal; "Inland marine insurance."
- (z) "inland transportation insurance" means insurance against loss or damage to goods, wares, merchandise or property of any kind, including matter transmitted by mail, in transit otherwise than by water, from place to place in Canada; "Inland transportation insurance."
- (aa) "plate glass insurance" means insurance against the breakage of plate or other glass, either local or in transit; "Plate glass insurance."
- (bb) "sickness insurance" means insurance against loss through illness not ending in death, or disability not arising from accident or old age; "Sickness insurance."
- (cc) "sprinkler leakage insurance" means the insuring of any goods or premises against loss or damage by water caused by the breakage or leakage of sprinklers, pumps, water-pipes, or plumbing and its fixtures; "Sprinkler leakage insurance."
- (dd) "steam boiler insurance" means insurance upon steam boilers and pipes, engines and machinery connected therewith or operated thereby, against explosion, rupture and accident and against personal injury or loss of life, and against destruction of or damage to property resulting therefrom. "Steam boiler insurance."

#### APPLICATION OF ACT.

- 3.** The provisions of this Act shall not apply—
- (1) to any contract of marine insurance effected in Canada by any company authorized to carry on within Canada the said business; nor—
- (2) except as hereinafter provided shall its provisions apply—
- (a) to any policy of life insurance in Canada, issued previously to the twenty-second day of May, one thousand
- Application of Act.  
Ocean marine insurance.  
  
Policies prior to 22nd May, 1868.

- eight hundred and sixty-eight, by any company which has not subsequently received a license; or,
- Companies under provincial Acts.** (b) to any company incorporated by an Act of the legislature of the late province of Canada, or by an Act of the legislature of any province now forming part of Canada, which carries on the business of insurance wholly within the limits of the province by the legislature of which it was incorporated, and which is within the exclusive control of the legislature of such province; or, 5
- Societies.** (c) to any society or association of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the insurance on the assessment system only of the lives of the members thereof exclusively; or, 10
- Associations in connection.** (d) to any association for the purpose of life insurance formed in connection with any society or association and exclusively from its members, and which insures on the assessment system only the lives of such members exclusively; or, 15
- Exempted societies.** (e) to any society or organization exempted, under this section, by the Treasury Board from the provisions of this Act; and— 20

(3) upon the passing of this Act licenses for the transaction of the business of inland marine insurance shall become inoperative and void and thereafter no company shall be required to obtain a license for the transaction of that branch of insurance, notwithstanding anything to the contrary in its Act of incorporation contained. 25

**What societies may be exempted.**

2. Upon its being established to the satisfaction of the Treasury Board that the occupation of the members of any society or organization of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the granting of life, accident, sickness or disability insurance to the members thereof exclusively, is of such a hazardous nature that the members of such society or organization are either wholly unable to obtain insurance in the licensed insurance companies or are able to obtain it only to a limited extent and upon payment of very high premiums, the Treasury Board may exempt from the provisions of this Act such society or organization or any association for the purpose of life, accident, sickness or disability insurance, or any one or more of such kinds of insurance formed in connection with such society or organization and exclusively from its members, and which insures such members exclusively. 30 35 40

**Companies incorporated by provincial legislatures.**

3. Any company incorporated by an Act of the legislature of the late province of Canada or by an Act of the legislature of any province now forming part of Canada, which carries on the business of insurance wholly within the limits of the province by the legislature of which it was incorporated and which is within the exclusive control of the legislature of such province, may, by leave of the Governor in Council, avail itself of the provisions of this Act on complying with the provisions thereof; and if it 50

so avails itself the provisions of this Act shall thereafter apply to it, and such company shall thereafter have the power of transacting its business of insurance throughout Canada.

4. Any society or association of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the insurance on the assessment system only of the lives of the members thereof exclusively, or any association for the purpose of life insurance on such system only formed in connection with any such society or association and exclusively from its members, and which insures the lives of such members exclusively, may apply to the Minister to be allowed to avail itself of the provisions of Part II of this Act, and upon such application being assented to, such society or association shall cease to be exempt from the application of this Act.

Societies or associations may avail themselves of the Act.

## PART I.

### GENERAL.

#### *License.*

4. In Canada, except as otherwise provided by this Act, no company or underwriters or other person shall solicit or accept any risk, or issue or deliver any receipt or policy of insurance, or grant any annuity on a life or lives, or collect or receive any premium, or inspect any risk, or adjust any loss, or carry on any business of insurance, or prosecute or maintain any suit, action or proceeding, or file any claim in insolvency relating to such business, unless it be done by or on behalf of a company or underwriters holding a license from the Minister.

Business not to be carried on without license.

5. The Minister, as soon as any company applying for a license has deposited in his hands the securities hereinafter mentioned, and has otherwise conformed to the requirements of this Act, shall, subject to the provisions hereinafter contained, issue the license.

Deposit for license.

6. Before issuing a license to a company, the Minister must be satisfied that the corporate name of the company is not that of any other known company incorporated or unincorporated, or any name liable to be confounded therewith or otherwise on public grounds objectionable.

Name of company.

7. The license shall be in such form as is, from time to time, determined by the Minister, and shall specify the business to be carried on by the company, the provinces of Canada to which it applies (where a license limited as to territory is granted), and any other particular limitation or condition which may be deemed proper.

Form of license.

2. The license shall expire on the thirty-first day of March in each year, but shall be renewable from year to year, subject, however, to any qualification or limitation which is considered

Duration.

expedient: Provided that such license may be from time to time renewed for any term less than a year.

License not granted for life and other insurance to same company. Proviso

8. Subject to the right of renewal of licenses granted previously to the eleventh day of August, one thousand eight hundred and ninety-nine, a license shall not be granted to a company to carry on the business of life insurance in combination with any other branch of insurance: Provided that any life insurance company within the legislative power of the Parliament of Canada, and any other life insurance company licensed under this Act whose charter authorizes it, may, under the authority of its license to transact life insurance, issue life policies, including in the same policy insurance against disability caused by accident or sickness, but the amount of such disability insurance shall not exceed the premiums payable or accruing on such life and disability policy during the period of disability insured against, but in case of total and permanent disability the company may, at the request of the insured, and without further payment of premiums, pay, in full settlement of the policy, and as a substitute for all other benefits and privileges thereunder, a total and permanent disability benefit not exceeding the sum insured under the said policy. 5 10 15 20

Combined classes. Four classes.

2. A license may be granted to a company to carry on—  
(a) fire insurance, explosion insurance, cyclone or tornado insurance, and inland transportation insurance; or,

Five classes.

(b) fire insurance, cyclone or tornado insurance, sprinkler leakage insurance in connection only with fire contracts made by the company, weather insurance and hail insurance; or, 25

Five classes.

(c) accident insurance, sickness insurance, plate glass insurance, steam boiler insurance and automobile insurance; or, 30

Four classes.

(d) guarantee insurance, bond insurance, credit insurance and burglary insurance.

Combined classes.

3. Excluding the business of life insurance and the business of fire insurance, a license may, on the report and recommendation of the Superintendent, approved by the Treasury Board, be granted to a company— 35

Five classes.

(1) to carry on accident insurance, sickness insurance and three other classes of insurance in this section mentioned; or, 40

Four classes.

(2) to carry on four of the classes of insurance in this section mentioned.

Combined classes.

4. Excluding the business of life insurance a license may, on the report and recommendation of the Superintendent, approved by the Treasury Board, be granted to a company— 45

Four classes.

(i) to carry on one or more classes of insurance in this section mentioned, in combination with one or more classes of insurance not in this section mentioned, not, however, exceeding, except as authorized by subsection 5 of this section, four classes in all;

(ii) to carry on four classes of insurance not in this section mentioned. Four classes

5. A license may, on the report and recommendation of the Superintendent, approved by the Treasury Board, be granted to Minor branches  
5 a company to carry on one or more minor branches of insurance in addition to those hereinbefore enumerated or authorized, or on the like report and recommendation, one or more minor branches may be substituted for a like number of branches so enumerated or authorized, or such an addition and substitution  
10 may be combined.

9. Subject to the right of renewal of licenses granted previously to the eleventh day of August, one thousand eight hundred and ninety-nine, a license shall not be granted to a company which is by its charter authorized or empowered to License not granted where charter authorizes excess of classes.  
15 carry on classes or branches of insurance greater in number or variety than those for which a license could be granted under the provisions of the last preceding section: Provided that any company incorporated elsewhere than in Canada, regardless of its greater corporate powers, Exception

20 (1) which has a paid-up wholly unimpaired capital of at least three hundred thousand dollars if authorized among other classes of business to transact the business of fire insurance, and of at least one hundred thousand dollars if not so authorized; and,

25 (a) which holds over and above all liabilities estimated according to the existing Dominion Government standard, a rest or surplus fund equal to at least twenty per cent of such paid-up capital, and the market value of whose stock is at a premium of at least twenty per cent; and

30 (b) which has carried on successfully for a period of at least five years the business for which the license is sought, or which, having a paid-up wholly unimpaired capital of at least five hundred thousand dollars, has carried on successfully the business for which such license is sought for such shorter period as the Minister deems sufficient; and  
35

(c) if the business for which a license is sought consists only of one class of insurance, or of such classes as may for the purpose of a license be combined under the provisions of the last preceding section; or,  
40

(d) which while not in all respects complying with the requirements of the foregoing paragraphs of this proviso, does not materially fall short thereof in any essential particular; or

45 (2) which is a subsidiary company of a company duly licensed under this Act and whose insurance contracts are guaranteed by the company whose subsidiary it is, the latter being also liable for all the liabilities of every kind of such subsidiary company,

shall be deemed eligible for and entitled to such license upon depositing, keeping and maintaining assets in Canada as defined by subsections 2 and 3 of section 20 of this Act, to the amount in the next following section specified.

Deposit of assets to be in excess as fixed by Treasury Board.

**10.** Such assets so required to be deposited, kept and maintained by the company for which the license is asked shall be, to the extent the Treasury Board on the report of the Superintendent shall fix or determine, in excess of the amount which would be required if such company's charter powers were limited to the purpose for which such license is so asked. 5  
10

Amount of excess.

2. Such excess shall, in the case of a company applying for a license to transact fire insurance or life insurance, be not less than fifty thousand dollars, and, in case of any other company, not less than ten thousand dollars, and in no case more than two hundred thousand dollars. 15

License to provincial company.

**11.** By leave of the Governor in Council a license may, on such terms and conditions and subject to such limitations as are determined by the Treasury Board on the report of the Superintendent, be granted to any such company as is mentioned in sub-paragraph (b) of paragraph (2) of subsection 1 of section 3 of this Act, regardless of the greater corporate powers of such company, and such license shall authorize the transaction of only one of the classes of business authorized by the charter or Act of incorporation of such company, or, if more than one, then such as may be combined under the provisions of section 8 of this Act. 20  
25

No license to individual underwriters.

**12.** Except as in this section provided, no license shall be granted to any individual underwriter or underwriters to carry on any kind of insurance business: Provided that associations of individuals formed upon the plan known as Lloyds, whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy, may be authorized to transact insurance other than life insurance in Canada in like manner and upon the same terms and conditions as insurance companies; such associations to be in all respects subject to the provisions of this Act, except that the statements required by this Act to be filed in the Department may be verified in such manner as the Superintendent shall direct and prescribe. 30  
35

Exception as to associations formed on Lloyds plan.

What contracts may be included in one policy.

**13.** Contracts of accident and sickness insurance or contracts of fire, explosion and inland transportation insurance may be included in one policy, but in all other cases contracts of insurance for each class which a company is licensed to transact shall be in separate and distinct policies. 40

*Deposits.*

14. Every company carrying on the business of life insurance and every Canadian company carrying on the business of fire or of inland marine insurance, or of both combined, shall, before the issue of such license, deposit with the Minister, in such securities as are hereinafter specified in that behalf, the sum of fifty thousand dollars. Deposit of securities with Minister.
2. Every company incorporated or legally formed elsewhere than in Canada, carrying on the business of fire or of inland marine insurance or of both combined, shall, before the issue of such license, deposit with the Minister, in such securities, the sum of one hundred thousand dollars. In case of foreign company.
3. Where a license limited to one or more of the provinces of Canada is granted, the Treasury Board on the report of the Superintendent may authorize the acceptance of an initial deposit less in amount than in this section provided. In case of limited license.
15. All such deposits, and all other deposits required under the provisions of this Act, may be made by any company— Securities, permissible.
- (a) in securities of or guaranteed by the Dominion of Canada, or in securities of or guaranteed by any province of Canada; or in securities of or guaranteed by the United Kingdom or any British colony;
- (b) if such company is incorporated in any foreign country, in securities of or guaranteed by the government of such country.
2. The value of such securities shall be estimated at their market value, not exceeding par at the time when they are deposited. Valuation.
16. If any other than the aforesaid securities are offered as a deposit, they may be accepted at such valuation and on such conditions as the Treasury Board directs. Accepting other securities.
2. If the market value of any of the securities which have been deposited by any company declines below that at which they were deposited, the Minister may notify the company to make such further deposit as will ensure the *accepted* value of all the securities deposited by the company being equal to the amount which it is required by this Act to deposit. Further deposit if value declines.
3. On failure by the company to make such further deposit within sixty days after being called upon so to do, the Minister may withdraw its license. Failure to make.
17. Any company licensed under this Act may, at any time, deposit in the hands of the Minister any further securities beyond the sum herein required to be deposited. Further deposit at option of company.
2. Any such further securities so deposited in the hands of the Minister, shall be held by him and be dealt with according to the provisions of this Act in respect to the sum required to be

deposited by such company, and as if the same had been part of the sum so required to be deposited.

Withdrawal  
of excess.

**18.** If at any time it appears that a company has on deposit with the Minister a sum in excess of the amount required under the provisions of this Act, the Treasury Board may, upon being satisfied that the interest of the company's Canadian policy-holders will not be prejudiced thereby, and upon the giving of such notice, and the exercise of such other precautions as may seem expedient, authorize the withdrawal of the amount of such excess or such portion thereof as may be deemed advisable: 10  
Provided that such withdrawal may be authorized without the giving of any notice.

Notice of  
withdrawal.

Deficiency of  
assets—fire  
and inland  
marine  
insurance.

**19.** If it appears from the annual statements or from an examination of the affairs and condition of any company carrying on the business of fire or inland marine insurance, that the re-insurance value of all its risks outstanding in Canada, together with other liabilities in Canada, exceeds its assets in Canada, including the deposit in the hands of the Minister, the company shall be notified by the Minister to make good the deficiency; and, on its failure to make the same good (up to the date of making good), within sixty days after being notified, he shall withdraw its license. 15

Failure to  
make good.

Deficiency of  
assets—life  
insurance.

**20.** Subject to the power and duties hereinafter vested in and imposed upon the Treasury Board in relation to the withdrawal of a company's license or for limiting a time for making good a deficiency of assets, if it appears from the annual statements, or from an examination, as provided for by this Act, of the affairs and condition of any company carrying on the business of life insurance, that its liabilities to policy-holders in Canada, including matured claims, and the full reserve or reinsurance value for outstanding policies, as hereinafter described, after deducting any claim the company has against such policies, exceed its assets in Canada, including the deposit in the hands of the Minister, the company shall be called upon by the Minister to make good the deficiency; and on its failure to make the same good (up to the date of making good) within sixty days after being so called upon, he shall withdraw its license. 25 30 35

Failure to  
make good.

Assets in  
case of  
foreign  
company.

**2.** If any such company as is mentioned in this and the last preceding section is incorporated or legally formed elsewhere than within Canada, the assets in Canada as aforesaid shall be taken to consist of all deposits which the company has made with the Minister under the provisions of this Act, and of such assets as have been vested in trust for the company for the purposes of this Act, in two or more persons resident in Canada, or in a trust company incorporated by or under the authority of an Act of the Parliament of Canada or of the legislature of one of 40 45

the provinces thereof, appointed by the company and approved by the Minister.

3. The trust deed shall first be approved by the Minister, who with the approval of the Treasury Board shall determine from time to time the value at which such assets shall be accepted for the purposes of this Act, and the trustees may deal with such assets in any manner provided by the deed of trust appointing them, but so that the accepted value of the assets held by them shall not fall below the value required by this section:

10 Provided that such accepted value shall not be greater than ninety per cent of the market value, and in no case greater than the par value thereof.

Trust deeds and dealing with assets.

4. Trustees other than trust companies such as above described shall not hereafter be approved by the Minister in any

15 case.

Trust companies as trustees.

5. In case any such life insurance company gave written notice to the Minister before the thirty-first day of March, one thousand eight hundred and seventy-eight, of its intention to avail itself of the proviso contained in section 17 of *The Consolidated Insurance Act, 1877*, the foregoing requirements of this

20 section shall not apply to policies issued by such company previously to that date.

Companies excepted from this section. 1877, c. 42.

6. In any such case the deposit of such company which was in the hands of the Minister on the twenty-eighth day of April,

25 one thousand eight hundred and seventy-seven, shall be dealt with in regard to such policies, in conformity with sections 4 and 5 of chapter 9 of the statutes of 1871, intituled *An Act to amend the Act respecting Insurance Companies*; and whenever the full liability under such policies falls below the amount so

30 held by the Minister, he may, with the concurrence of the Treasury Board, direct that the whole or such portion of the difference as he deems advisable shall be released and handed over to the company, and so on, from time to time, until the total deposit with the Minister is reduced to the amount of fifty

35 thousand dollars required by this Act.

Decreasing deposit.

1871, c. 9.

21. So long as the conditions of this Act are satisfied by any company, and no notice of any final judgment against the company, or order made by the proper court in that behalf for the winding-up of the company or the distribution of its assets,

40 is served upon the Minister, the interest upon the securities forming the deposit shall be handed over to the company as it falls due.

Handing over interest on securities.

#### *Documents to be filed.*

22. Every company shall, before the issue of a license to it, file in the Department—

45 (a) a copy of the charter, Act of incorporation, or articles of association of the company, certified by the proper officer in charge of the original thereof: Provided that any such

Filing of documents.

Copy of charter.

document which would be admitted as evidence in a court of law shall be deemed to be sufficiently verified within the meaning of this clause;

Power of attorney.

(b) a power of attorney from the company to its agent in Canada, under the seal of the company, if it has a seal, and signed by the president and secretary or other proper officers thereof, in presence of a witness, who shall make oath or affirmation as to the due execution thereof; and the official positions in the company held by the officers signing such power of attorney shall be sworn to or affirmed by the officers signing such power of attorney or affirmed by some person cognizant of the facts necessary in that behalf; and,

Statement of condition and affairs.

(c) a statement, in such form as is required by the Minister, of the condition and affairs of such company on the thirty-first day of December next preceding, or up to the usual balancing day of the company, if such day is not more than twelve months before the filing of the statement.

Contents of power of attorney.

**23.** Such power of attorney shall—

(a) declare at what place in Canada the head office, or chief agency of such company is or is to be established; and

(b) expressly authorize such attorney to receive service of process in all suits and proceedings against such company in any province in Canada, in respect of any liabilities incurred by the company therein, and to receive from the Minister and the Superintendent all notices which the law requires to be given, or which it is thought advisable to give; and,

(c) declare that service of process for or in respect of such liabilities and receipt of such notices, at such office or chief agency, or personally on or by such attorney at the place where such head office or chief agency is established, shall be legal and binding on the company, to all intents and purposes whatsoever.

Change of chief agent.

**24.** Whenever any such company changes its agent or agency in Canada, such company shall file a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned.

Declaration in annual statement.

2. Every company shall, at the time of making the annual statement hereinafter provided for, declare that no change or amendment has been made in the charter, Act of incorporation or articles of association of the company, and that no change has been made in the agency or agent, without the Superintendent having been duly notified of such change or amendment.

25. Duplicates of all such documents, duly verified as aforesaid, shall be filed in the office of one of the superior courts in the province in which the head office or agency of the company is situated; or, if the agency is in the province of Quebec, with the prothonotary of the Superior Court of the district wherein such agency is established.

Duplicates to be filed in office of a superior court.

*Service of Process.*

26. After such power of attorney and duplicate copies are filed as aforesaid, any process in any suit or proceeding against any such company, in respect of any liabilities incurred in any province of Canada, may be validly served on the company, at its agency and such service shall be deemed to be service on the company.

Service of process on company at chief agency.

2. If such power of attorney becomes invalid or ineffective from any reason whatsoever, or if other service cannot be effected, the court or a judge may order constructive service of any process or proceeding to be made by such publication as is deemed requisite to be made in the premises, for at least one month in at least one newspaper; and such publication shall be deemed to be due service upon the company of such process or proceeding.

Constructive service.

*Notice.*

27. Every company on first obtaining such license shall forthwith give due notice thereof in *The Canada Gazette*, and in at least one newspaper in the county, city or place where the head office or agency is established, and shall continue the publication thereof for the space of four weeks.

Notice of having obtained a license.

28. When a company ceases to carry on business in Canada, or gives notice that it intends to so cease to carry on business, notice thereof shall, for the space of three calendar months, be given in the manner aforesaid.

Notice of ceasing of business.

2. Such giving of such notice shall be a condition precedent to the release of the company's deposit.

Release of deposits.

29. The Minister shall cause to be published quarterly in *The Canada Gazette* a list of the companies licensed under this Act, with the amount of deposits made by each company.

Publication of list of licensed companies.

2. Upon any new company being licensed, or upon the license of any company being withdrawn in the interval between two such quarterly statements, he shall publish a notice thereof in *The Canada Gazette* for the space of four weeks.

New companies.

*Annual Returns.*

30. The president, vice-president or managing director or other director appointed for the purpose by by-law or by the

Annual statement of company's business.

board of directors, and the secretary, actuary or manager of every Canadian company licensed under this Act, shall prepare annually under their oaths, a statement of the condition and affairs of such company on the thirty-first day of December in each year, which shall exhibit the assets and liabilities of the company, and its income and expenditure during such year, and such other information as is deemed necessary by the Minister or the Superintendent from time to time. 5

Life companies.

31. In the case of such companies carrying on the business of life insurance, such annual statements shall be in the form A 10 in the schedule to this Act, with suitable changes made therein in the case of companies carrying on business on the assessment plan, and the said statements shall be deposited in the Department within two months after the first day of January in each year. 15

Half yearly statement of securities

2. There shall also be prepared half yearly, as of the last days of December and June in each year after the first day of January, one thousand nine hundred and eleven, by the same officers, under their oaths, and deposited in the Department within fifteen days after the said last days of December and June in each year respectively, a statement in the form A1 in the schedule to this Act, showing in detail all bonds, stocks, debentures and other securities bought and all loans made, except on mortgages and policies, during the half year terminating on the date as of which such statement is made, specifying the amounts, dates of issue and maturity and par value thereof, the rate of interest payable thereon and the price paid therefor, and in the case of loans made, except on mortgages of real estate or insurance policies, particulars in detail of securities therefor, and showing also in detail all such securities sold or disposed of during the said half year, specifying similarly the amounts, dates of issue and maturity and par value thereof, the value in account thereof, the rate of interest payable thereon and the price or consideration received therefor. 20 25 30

Foreign companies.

3. In the case of companies incorporated or legally formed elsewhere than within Canada, a statement shall similarly be prepared, in the form A1, half yearly by the trustees in whom assets are vested in trust for the company for the purposes of this Act, and similarly deposited half yearly in the Department, showing similarly all dealings during the preceding half year with the trust assets. The half yearly statements in this subsection mentioned shall be verified by the oath of one or more of the trustees, and in case a trust corporation is sole trustee or one of the trustees such half yearly statements may be verified by the manager and secretary or other principal officers of such trust corporation. 35 40 45

Form of statement.

4. The half yearly statements mentioned in the two preceding subsections, the blank forms for which shall be supplied by the Superintendent, shall be embodied by him by way of ap-

pendix or otherwise in the annual report prepared by him for the Minister.

5 5. In the case of companies carrying on the business of fire insurance, such annual statement shall be in the form B in the schedule to this Act. Fire and inland marine companies.

6. In the case of companies carrying on business other than life or fire insurance, such annual statement shall be in the said form B as nearly as circumstances will permit, necessary changes only being made therein. Other companies.

10 7. Such annual statement shall be sworn to, in the form C in the schedule to this Act, before some person duly authorized to administer oaths in any legal proceeding, and such half yearly statements shall, in like manner, be sworn to in the form C1 in the said schedule. Statements to be sworn.

15 8. The Minister or the Superintendent may, from time to time, make such changes in the form of such statements whether such changes are of general application or are, in the opinion of the Minister or Superintendent, necessary to meet the circumstances of any particular case, as the Minister or Superintendent Minister or Superintendent may change forms.

20 may deem best adapted to elicit any information deemed necessary or expedient.

9. Subject to any provision of this Act with reference to the preparation and filing of annual or other statements, and subject also to the right of the Minister or the Superintendent to Form of statements during 1910.

25 vary the forms thereof, such statement shall, for the business of the year one thousand nine hundred and ten, be in the same form as is required at the date of the passing of this Act, and thereafter the schedules to this Act shall come into full force and effect.

30 **32.** Every company incorporated or legally formed elsewhere than in Canada, licensed under this Act, and every company which is subject to the provisions of this Act, shall make annual statements of its condition and affairs, at the balancing day of the company in each year, and the form and manner of making Statements by foreign and other companies.

35 such statement shall, as to the Canadian business of such company, be the same, so far as applicable, as is required of Canadian companies; and, as to its general business, shall be in such form as such company is required by law to furnish to the government of the country in which its head office is situated.

40 2. Where such company is not required by law to furnish a statement to the government of the country in which its head office is situate, then such statement, as to its general business, shall be in such form as the company usually submits to its members or shareholders. Form in case of foreign company.

45 3. In the event of no such statement being submitted to such members or shareholders, then such statement shall show in concise form the assets and liabilities of the company at such balancing day, and the income and expenditure of the company for the year ending on such balancing day. Idem.

To be deposited with Superintendent.

4. The annual statements mentioned in the last preceding section, and the statements of Canadian business provided for in this section, shall be deposited in the Department on the first day of January next following the date at which the condition and affairs of the company are thereby shown, or within two months thereafter. 5

Forms supplied.

5. The blank forms of the statements of the Canadian business shall be supplied by the Superintendent.

Time for depositing.

33. The statement of general business provided for in the last preceding section shall be deposited in the Department within thirty days after it is required by law to be made to the government of the country in which the head office of the company whose statement it is, is situate, or within thirty days 10

General statement.

after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first 15

Variation.

occurs: Provided that no such statement of general business need be so deposited earlier than the first day of June, nor shall it be so deposited later than the thirtieth day of June next following the date at which the condition and affairs of the company are thereby shown. 20

To be verified on oath.

34. Such statements shall, as to the Canadian business, be verified by the oath of the company's agent in Canada; and, as to the general business, be verified by the oath of the president, vice-president or managing director, and the secretary, manager or actuary of the company. 25

Records and documents to be kept by chief agent.

35. Such company shall keep at the agency in Canada records and documents sufficient to enable the agent to prepare and furnish the required statement of Canadian business, and such that the said statement may be readily verified therefrom: Provided that in the case of any company having in Canada in addition 30

Fewer required in some cases.

to such agent, one or more general agents reporting to the head office, and not to such agent, it shall be sufficient for the company to keep on file at the agency, in addition to the necessary records and documents relating to the business transacted by or through such agent, annual statements of the business 35

Examination of books at head office in foreign country.

transacted by each such general agent, duly verified by the oath of each such general agent, and such additional records and documents, transmitted through the company's head office as shall, taken together, show the company's entire Canadian 40

business: Provided further that the Superintendent shall be at liberty, if he considers it necessary or desirable so to do, to visit the head office of the company, and there to examine the books, records, vouchers, receipts and other documents of such company relating to its business within Canada, for the purpose of checking and verifying the said statement of such business and 45 the schedules or other documents relating to or forming part thereof, and shall have power to make all necessary corrections

in said statement, in accordance with the information obtained from said books, records and documents; and if such company declines to permit such examination, or refuses to give any information necessary for such purpose in its possession or control, its license may be suspended or withdrawn by the Minister.

36. The said annual statements of the business of such general agents shall, when kept on file as aforesaid, be made up to the thirty-first day of December in each year, and blank forms for such statements shall, on application, be furnished by the Superintendent.

Time up to which annual statements are made.

*Superintendent and his duties.*

37. The Governor in Council may appoint an officer, to be called the Superintendent of Insurance, who shall have the rank of a deputy head of a department, and all the powers, rights and privileges of a deputy head so far as regards matters relating to or arising out of the administration of this Act, and such officer shall be paid such salary, not exceeding per annum, as the Governor in Council may from time to time fix and determine.

Rank and powers of Superintendent.

2. The Superintendent shall act under the instructions of the Minister, and shall examine and report to the Minister, from time to time, upon all matters connected with insurance, as carried on by the several companies licensed to do business in Canada, or required by this Act to make returns of their affairs.

To act under Minister.

3. The branch of the Civil Service by which the provisions of this Act are administered shall be known as the Department of Insurance.

38. The Superintendent shall keep a record of the several documents required to be filed by each company in the superior courts of Canada, under this Act, and shall—

Duties of Superintendent.

(a) enter in a book, under the heading of such company, the securities deposited on its account with the Minister, naming in detail the several securities, their par value, their date of maturity, and value at which they are received as deposit; and such book shall be left open to public inspection;

Securities.

(b) in each case, before the issue of any new license, or the renewal of any license, make a report to the Minister that the requirements of the law have been complied with, and that from the statement of the affairs of the company it is in a condition to meet its liabilities;

Report as to licenses.

(c) keep a record of the licenses as they are issued;

Record of.

(d) visit personally, or cause a duly qualified member of his staff to visit, the head office of each company in Canada, at least once in every year, and examine carefully the statements of the condition and affairs of each company,

Visit head office.

as required under this Act, and report thereon to the Minister as to all matters requiring his attention and decision.

Annual report.

- (e) prepare for the Minister, from the said statements, an annual report, showing the full particulars of each company's business, together with an analysis of each branch of insurance, with each company's name, giving items, classified from the statement made by each company. 5

Inspection visits to companies.

**39.** If the Superintendent, after a careful examination into the condition and affairs and business of any company licensed to transact business in Canada, from the annual or other statements furnished by such company to the Minister or for any other cause, deems it necessary and expedient to make a further examination into the affairs of such company and so reports to the Minister, the Minister may, in his discretion, instruct the Superintendent to visit the chief agency of such company, to thoroughly inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition and ability to meet its engagements, and whether it has complied with all the provisions of this Act applicable to its transactions. 10 15 20

Officers of companies to open books for inspection.

2. The officers or agents of such company shall cause their books to be open for the inspection of the Superintendent, and shall otherwise facilitate such examination so far as it is in their power. 25

Examination under oath.

3. For the purpose of such inquiry, the Superintendent may examine under oath the officers or agents of such company relative to its business.

Report of visits.

**40.** A report of all companies so visited by the Superintendent shall be entered in a book kept for that purpose, with notes and memoranda showing the condition of each company, after such investigation. 30

Special report to Minister

2. A special report shall be communicated in writing to the Minister, stating the Superintendent's opinion as to the standing and financial position of every company so visited, and all other matters desirable to be made known to the Minister. 35

Report when assets become insufficient.

**41.** If it appears to the Superintendent that the assets of any company are insufficient to justify its continuance of business, having regard to the requirements of sections 14 to 20 inclusive of this Act, or that it is unsafe for the public to effect insurance with it, he shall make a special report on the affairs of such company to the Minister. 40

Governor in Council may suspend license of company.

2. If the Minister, after full consideration of the report, and after a reasonable time has been given to the company to be heard by him, and upon such further inquiry and investigation as he sees proper to make, reports to the Governor in Council that he agrees with the Superintendent in the opinion so ex- 45

pressed in his report, the Governor in Council may, if he also concurs in such opinion, suspend or cancel the license of such company.

3. Such company shall, during such suspension or cancellation, be held to be unlicensed and unauthorized to do further business. The Superintendent may, however, issue such modified or conditional license as may be necessary for the protection of policyholders.

Effect of suspension.

42. Once in every five years, or oftener at the discretion of the Minister, the Superintendent shall himself value by the net premium method, or procure to be so valued under his supervision, all the policies of life insurance of Canadian companies, and the Canadian policies of life insurance companies other than Canadian companies, licensed under this Act to transact the business of life insurance in Canada.

Valuation of policies of life insurance in Canada.

2. Such valuation shall, as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits declared in respect thereof, be based on the British Offices Life Tables, 1893, O<sup>m</sup> (5), and on a rate of interest of three and one-half per cent per annum; and as to policies issued prior to the said date, and bonus additions or profits declared in respect thereof, such valuation shall, until the first day of January, one thousand nine hundred and fifteen, be based on the said mortality table, and a rate of interest of four per cent per annum; and on and after the first day of January, one thousand nine hundred and fifteen, be based on the same mortality table, and a rate of interest of three and one-half per cent per annum.

Basis of valuation.

3. It shall be allowable for any Canadian company, in preparing its statement of liabilities, to deduct from the value of its policies, as ascertained in accordance with sub-section 2 of this section, an amount ascertainable in the manner following, namely: in the case of any policy, the net annual premium upon which is not less than the corresponding net annual premium for a whole life insurance with uniform premiums throughout life, the difference between the said whole life premium and the corresponding net premium for a one-year term insurance shall constitute the amount to be deducted as aforesaid in respect of such policy at the date of its issue; such difference, however, to be diminished each year by an equal proportion, so that upon the payment of the fifth annual premium, the value of the policy shall be the value as ascertained in accordance with subsection 2 of this section.

Deduction from value of policies.

Every such company, whether it avails itself or not of the provisions of this subsection, shall set forth in its annual statement hereinbefore referred to, the value of its policies as ascertained in accordance with subsection 2 hereof, the amount allowable by this subsection as a deduction therefrom, and such other information in respect thereto as the Superintendent may deem necessary.

Annual statement to contain value of policies and deductions.

Valuation of annuity contracts.

4. In this and the next following section, the word "policies" includes annuity contracts, whether immediate or deferred: Provided, however, that in the valuation of annuity contracts there shall be used the tables of mortality known as the British Offices Select Life Annuity Tables, 1893, male or female according to the sex of the nominee. 5

Maximum rate.

5. No such company shall at any time hereafter, except with the approval of the Treasury Board, increase its policy valuation so that the reserves in respect of all business the premium rates for which have been calculated on the basis of a rate of interest of not less than three and one-half per cent shall be higher than the reserves produced by the use of the said British Offices Life Tables, 1893, O<sup>m</sup> (5), and a rate of interest of three per cent: Provided that in the case of business the premium rates for which have been calculated on the basis of a rate of interest less than three and one-half per cent, no such company shall, except with the approval of said Board, increase its policy valuation so that the reserve in respect of said business shall be greater than the reserves produced by the use of the said tables and a rate of interest one-half per cent less than the rate upon which such premium rates have been calculated. 10 15 20

Valuation of industrial policies.

6. Subsections 3 and 5 of this section shall not apply to the business of industrial insurance of the character specially dealt with in this subsection. Whole life industrial policies and endowment industrial policies maturing at age 80 or any higher age shall be valued upon the following basis, viz.:—policies issued in any calendar year shall be valued at the end of such calendar year as if then just issued and at the end of succeeding calendar years as if in force, one, two, three or more entire years as the case may be. 25 30

Report to Treasury Board.

43. If it appears to the Superintendent that the liabilities of any Canadian life insurance company, including matured claims and the full reserve or reinsurance value for outstanding policies estimated or computed on the basis mentioned in the last preceding section, exceed its assets, he shall report the fact to the Treasury Board; and the Treasury Board, after full consideration of the matter and after a reasonable time has been given to the company to be heard by the board, may,— 35

Withdrawal of license Continuation on terms.

- (a) forthwith withdraw the company's license; or,
- (b) upon such terms and conditions as the board deems proper, limit a time, not exceeding three years, within which such company shall make good the deficiency, during which term the company's license shall be continued. 40

Failure to comply with terms.

2. Upon the company's failure to make good such deficiency within the time so limited, its license shall be withdrawn: Provided that if the company's liabilities exceed its assets by twenty per cent or upwards, its license shall be forthwith withdrawn. 45

44. For the purpose of carrying out the provisions of the last preceding section, the Treasury Board may, upon the recommendation of the Minister, appoint such actuaries, valuers or other persons as the Board deems proper, to value and appraise the company's liabilities and assets, and report upon its condition and its ability, or otherwise, to meet its engagements.

Valuators may be appointed.

45. For the purpose of carrying out the provisions of this Act, the Superintendent is hereby authorized and empowered to address any inquiries to any insurance company licensed under this Act, or to the president, manager, actuary or secretary thereof, in relation to its assets, investments, liabilities, doings, or condition, or any other matter connected with its business or transactions, and it shall be the duty of any company so addressed to promptly reply in writing to any such inquiries. The Superintendent may in his discretion embody in his annual report to the Minister the inquiries made by him under this subsection and the answers thereto.

Inquiries from company and reply.

2. In the case of any violation of any of the provisions of this Act by a company licensed thereunder to carry on business within Canada, or in the case of failure to comply with any of the provisions of its charter or Act of incorporation by any Canadian company so licensed, it shall be the duty of the Superintendent to report the same to the Minister, and thereupon the Minister may, in his discretion, withdraw the company's license or may refuse to renew the same or may suspend the same for such time as he may deem proper.

Suspension of license for violation of Act.

3. The issue by a company of policies not authorized by its license shall be deemed a violation of the provisions of this Act within the meaning of the preceding subsection.

Issue of unauthorized policy a violation.

46. The Minister may, from time to time, instruct the Superintendent to visit the head office of any company licensed under this Act and incorporated or legally formed elsewhere than in Canada, and to examine into the general condition and affairs of such company.

Examination at head office of foreign company.

2. If such company declines to permit such examination, or refuses to give any information desired for such purpose in its possession or control, its license shall be withdrawn by the Minister.

Company refusing examination.

#### *Office Expenses.*

47. Every company licensed under this Act, and every company transacting life insurance business under this Act, having ceased to transact such business before the thirty-first day of March, one thousand eight hundred and seventy-eight, and having before that date given written notice to that effect to the Minister, shall annually contribute a sum in proportion

Contributions of certain companies towards office expenses.

to the gross premiums received by it in Canada during the previous year, towards defraying the expenses of the Department, which shall be paid upon the demand of the Superintendent.

*Officers and Clerks.*

Appointment of officers and clerks.

**48.** The Governor in Council may, from time to time, appoint such officers and clerks under the Superintendent, as are necessary for the purpose of this Act. **5**

Superintendent or officers not to be interested in any company.

**49.** The Superintendent, or any officer or clerk under him, shall not, directly or indirectly, be interested as a shareholder in any insurance company doing business in Canada or licensed under this Act. **10**

*Annual Report.*

Annual report to be laid before Parliament.

**50.** The Minister shall lay the Superintendent's annual report before Parliament within thirty days after the commencement of each session thereof.

*Change of Head Office, and Date of Annual Meeting.*

Company may,

**51.** Notwithstanding anything contained in its Act of incorporation, any insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the said Parliament, may— **15**

By by-law of shareholders.

(a) if the company has no members other than shareholders entitled to vote, by by-law passed and approved of by the votes of shareholders, representing at least two-thirds in value of the subscribed capital of the company, present or represented at a special general meeting duly called for considering the by-law; or, **20**

By by-law of members.

(b) if the company has no shareholders, by by-law passed and approved of by the votes of two-thirds of the members present or represented at a special general meeting duly called for considering the by-law; or, **25**

By by-law of shareholders and members.

(c) if the company has both shareholders and members entitled to vote, by by-law passed and approved of by at least two-thirds of the votes cast by such shareholders and members at a special general meeting duly called for considering the by-law; **30**

Change head office in Canada.

(1) change the head office of such company from any place in Canada to any other place in Canada, or **35**

Change date of annual meeting.

(2) change the date for holding its annual general meeting.

*Amalgamation and Transfer.*

Amalgama-  
tion, trans-  
fer of busi-  
ness and re-  
insurance.

52. Any life insurance company which is within the legis-  
lative power of the Parliament of Canada may amalgamate its  
property and business with those of any other such life insurance  
company or may transfer all or any portion of its policies to or  
5 reinsure the same in any other such company, and may transfer  
its property and business or any part thereof to any other such  
company, or may reinsure the policies or any portion thereof of  
any other such company, or may purchase and take over the  
business and property or any portion thereof of any other such  
10 company, and such companies are hereby authorized to enter  
into all contracts and agreements necessary to such amalgama-  
tion, transfer or reinsurance upon compliance with the con-  
ditions hereinafter in this section set forth.

2. Any life insurance company which is within the legislative  
15 power of the said Parliament is hereby authorized to enter into  
an agreement or agreements with any other life insurance com-  
pany which has power to make the same; to reinsure the policies  
or any portion thereof of such other company; or to purchase  
and take over the business or property or any portion thereof of  
20 such other company.

By life  
companies.

3. When an agreement for any such amalgamation, transfer  
or reinsurance has been entered into, the directors of the com-  
panies which are parties to such agreement may apply by peti-  
tion to the Treasury Board to sanction and confirm the same,  
25 and the Treasury Board, after hearing the directors and other  
persons whom it considers entitled to be heard upon the petition,  
or giving them an opportunity to be so heard, may confirm the  
same if it is satisfied that no sufficient objection to the arrange-  
ment has been established.

Sanction of  
Treasury  
Board.

4. Before any such application is made to the Treasury Board  
30 notice thereof together with—

Notice of  
application  
to Board.

- (a) a statement of the nature and terms of the amalgamation,  
transfer or reinsurance as the case may be; and,
- (b) an abstract containing the material facts embodied in the  
35 agreement under which such amalgamation, transfer or  
reinsurance is proposed to be effected; and,
- (c) copies of the actuarial or other reports upon which such  
agreement is founded, including a report by an independ-  
ent actuary;

40 shall be served on the shareholders and on the holders of all  
policies in Canada other than industrial policies of each company:  
Provided, however, that the Superintendent may dispense with  
the service of such documents on the policyholders of the rein-  
suring company.

45 Such notice and documents shall be served by being trans-  
mitted through the post office directed to the registered or other  
known address of each such shareholder and policyholder, and  
within such period that they may be delivered in due course of

Service on  
policyholder.

delivery thirty days at least before the day appointed for the hearing of the application.

Agreement open to inspection

The agreement under which such amalgamation, transfer or reinsurance is proposed to be effected shall be open to the inspection of the policyholders and shareholders at the principal office of the company or companies for a period of thirty days after the issue of the abstract herein provided for. 5

Publication of notice.

5. A copy of such notice shall also be published in *The Canada Gazette* at least thirty days before the application is made; but this subsection shall not apply to any company which issues industrial insurance. 10

Opposition by policyholders.

6. The Treasury Board shall not sanction any amalgamation, transfer or reinsurance in any case in which it appears to the Board that the policyholders representing one-fifth or more of the total amount assured in any company which it is proposed to amalgamate, or in any company the business of which it is proposed to transfer or reinsure, dissent from such amalgamation, transfer or reinsurance. 15

Capital to be unimpaired after amalgamation.

7. No company shall be permitted to amalgamate its business with, transfer its business to, or reinsure its business in any other company, if the capital of the combined companies after such amalgamation, or of the continuing company after such transfer or reinsurance, shall be impaired, the policy and annuity liabilities of the combined or continuing company being calculated on the basis prescribed in subsections 2, 4 and 6, respectively, of section 42 of this Act. 20 25

Deposit of documents after completion of amalgamation, etc.

8. When an amalgamation takes place between any companies, or when the business of one company is transferred to or reinsured in another company, the combined company or the continuing company, as the case may be, shall within ten days from the date of the completion of the amalgamation, transfer or reinsurance, deposit with the Superintendent the following documents, that is to say:— 30

- (a) Certified copies of the statement of the assets and liabilities of the companies concerned in such amalgamation, transfer or reinsurance; and, 35
- (b) A statement of the nature and terms of the amalgamation, transfer or reinsurance; and
- (c) A certified copy of the agreement under which such amalgamation, transfer or reinsurance is effected; and, 40
- (d) Certified copies of the actuarial or other reports upon which such agreement is founded; and,
- (e) A declaration under the hands of the president and manager of each company that to the best of their knowledge and belief every payment made or to be made to any person whatsoever on account of the said amalgamation, transfer or reinsurance is therein fully set forth, and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, valuable securities or other property, by or with the 50

knowledge of any of the parties to the amalgamation transfer or reinsurance.

9. No company shall amalgamate with another company, transfer its business to or reinsure its business in another company, unless such amalgamation, transfer or reinsurance is sanctioned by the Treasury Board in accordance with this section: Provided, however, that this section shall not apply to the contracts of reinsurance made by companies in the ordinary course of their business.
10. Subsections 4, 5 and 6 of this section shall not apply to the reinsurance of a Canadian company of the business of a company which is not and never has been licensed to transact business in Canada.

Sanction of  
Treasury  
Board  
essential.

Proviso.

Reinsurance  
by unlicensed  
company.

53. No life insurance company licensed under this Act, nor any person, firm or corporation on its behalf, shall, in respect of its Canadian business, pay or allow to any agent, broker or other person, firm or corporation for procuring an application for life insurance, for collecting any premium thereon or for any other service performed in connection therewith, any compensation other than that which has been determined in advance.

Additional  
commissions.

54. No such life insurance company, and no person, firm or corporation on its behalf, shall make any loan or advance without adequate security, to any person, firm or corporation soliciting or undertaking to solicit applications for insurance; nevertheless advances may be made to any such person, firm or corporation for travelling expenses or against commissions or other compensation to be earned in respect of premiums, but such advances shall not be allowed as assets in the Superintendent's annual report prepared for the Minister.

Advances to  
agents.

55. No salary, compensation or emolument shall be paid to any director of a Canadian life insurance company for his services as such director unless authorized by a vote of the members in the case of a mutual company, and by a vote of the shareholders and other members, if any, in the case of a company having capital stock. No salary, compensation or emolument shall be paid to any officer or trustee of any such company unless authorized by a vote of the directors, nor shall any salary, compensation or emolument amounting in any year to more than five thousand dollars be paid to any agent or employee unless the contract (if made after the passing of this Act) under which such amount becomes payable has been approved by the board of directors.

Salaries of  
officers and  
agents.

56. No Canadian life insurance company shall make any agreement with any of its officers or trustees, to pay for any services, rendered or to be rendered, any salary, compensation or emolument extending beyond a period of five years from the date of such agreement.

Salary  
agreement,  
for not more  
than 5 years.

Commissions to agents only.

57. No Canadian life insurance company shall make any contract with any director, trustee, officer, employee or servant of the company, save such agents as are employed to solicit insurance, to pay any compensation or reward whatever by way of commissions in respect of the business of the company or any portion thereof: Provided, however, that this subsection shall not apply to insurance personally solicited and secured outside of office hours by any employee or servant not being a director, trustee or officer of the company. 5

Pension fund may be created.

2. For the purpose of conducting the affairs of the company in the most efficient manner in the interests of the policyholders and shareholders, the directors may make by-laws providing for the creation of a staff pension fund, but such by-laws shall before becoming effective be submitted to and be approved of at an annual meeting of the company or at a special general meeting of the members thereof, notice of the intention to consider such by-laws having been in either case duly given. 10 15

*Investments.*

Uniform powers of investment.

58. The powers of lending and investment prescribed by this Act shall be the powers of lending and investment of all companies licensed to carry on the business of life insurance in Canada, and which are within the legislative power of the Parliament of Canada. With respect to companies incorporated or legally formed elsewhere than within Canada and licensed to carry on such business in Canada, all assets and investments which under section 20 of this Act may be vested in trust for the company for the purposes of this Act in two or more persons resident in Canada, or in a Canadian trust company, shall be of the classes of investment permitted by this Act to Canadian companies. Any provision in any special Act or elsewhere conferring upon any company within the legislative power of the Parliament of Canada any other or wider powers of loaning and investment is hereby repealed. 20 25 30

Repeal of wider powers.

Disposal of unauthorized securities within 5 years.

2. Any Canadian company having on hand or vested in trustees in trust for the company at the date of the coming into force of this section, any loans or investments or securities representing the same, which such company was not legally authorized to make or acquire at the time such loans or investments were made or such securities acquired, shall absolutely dispose of and realize the same within five years after this section comes into force, unless such loans or investments are then valid and competent under the provisions of this Act. 35 40

By foreign companies.

3. Any company other than a Canadian company having vested in trustees pursuant to section 20 of this Act at the date of the coming into force of this section any securities or investments which but for this section would have been valid and competent, but which by reason thereof are not valid and competent, shall within five years after this section comes into 45

force withdraw the same from the hands of its said trustees and replace them with securities such as are provided for in subsection 1 of this section.

4. The Governor in Council on the report of the Minister may  
5 for good cause shown enlarge the respective times mentioned in the two next preceding subsections for dealing with the securities vested in the company or in the trustees as required by the said subsections for any term not exceeding one year.

Extension of time.

5. This section shall take effect on the first day of January,  
10 one thousand nine hundred and eleven.

Commencement of section.

59. Any life insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may invest its funds, or any portion thereof,  
15 in the purchase of,—

Investment of company's funds.

(a) The debentures, bonds, stocks or other securities of or  
20 guaranteed by the Government of the Dominion of Canada or of or guaranteed by the Government of any province of Canada; or of or guaranteed by the Government of the United Kingdom, or of any colony or dependency thereof; or of or guaranteed by the Government of any foreign country, or state forming a portion of such foreign country; or of any municipal or school corporation in Canada, or elsewhere where the company is carrying on business; or guaranteed by any municipal corporation in Canada;

In government securities.

(b) (i) The bonds of any company which bonds are secured  
30 by a mortgage or hypothec to trustees or a trust corporation or otherwise, upon real estate or other assets, of such company; or,

Bonds secured by mortgage.

(ii) The debentures or other evidences of indebtedness of any  
35 company, which has been doing business for a term of not less than three years prior to the date of such investment, provided default shall not have been made by such company in the interest payments upon its debentures or other evidences of indebtedness within the said period of three years prior to such investment; or,

Debentures.

(iii) The preferred stocks of any company which has paid  
40 regular dividends upon such stocks or upon its common stocks for not less than five years preceding the purchase of such preferred stocks, or the stocks of any company which are guaranteed by a company which has paid regular dividends upon its preferred or common stocks for not less than five years preceding the purchase of such guaranteed stocks; or,

Preferred stock.

(iv) The common stocks of any such company upon which  
45 regular dividends of at least four per cent per annum have been paid for the seven years next preceding the purchase of such stocks: Provided that not more than

Common stock.

thirty per cent of the common stocks and not more than thirty per cent of the total issue of the stocks of any company shall be purchased by any such life insurance company, and that no company shall be permitted to invest in its own shares or in the shares of another life insurance company; or, 5

Real estate mortgages.

(c) Ground rents, mortgages or hypothecs on real estate in Canada, or elsewhere where the company is carrying on its business, provided that the amount paid for any such mortgage or hypothec shall in no case exceed sixty per cent of the value of the real estate covered thereby; or 10

Life policies.

(d) Life or endowment policies or contracts issued by the company or by any other life insurance company licensed to transact business in Canada.

Lending funds.

2. Any such life insurance company may lend its funds or any portion thereof on the security of— 15

(a) any of the bonds, debentures, stocks or other securities mentioned in the preceding subsection; or,

(b) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the company is carrying on business: Provided, however, that no such loan shall exceed sixty per cent of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit a company from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per cent of the sale price of such real estate. 20

Other securities authorized by Treasury Board.

3. The Treasury Board may authorize the acceptance by a company of bonds, stocks or debentures not fulfilling the foregoing requirements of this section, (a) in payment or part payment for securities sold by such company, or (b) obtained under a *bona fide* arrangement for the reorganization of a company whose securities were previously owned by such company, or for the amalgamation with another company of the company whose securities were so owned. 25

No loan to director or officer.

4. No such life insurance company shall loan any of its funds to any director or officer thereof except on the security of the company's own policies. 35

When section in force.

5. This section shall take effect on the first day of January, one thousand nine hundred and eleven. 40

Deposits outside Canada.

60. Any such life insurance company may deposit outside of Canada such portion of its funds and securities as is necessary or desirable for the maintenance of any foreign branch or branches: provided that such deposit in any foreign country for all branches therein shall not exceed by more than one hundred thousand dollars Canadian currency the sum which is required to be deposited by the foreign law, or the amount of the reserves on the policies of such company in such foreign 45

country, whichever is the greater. Every such company shall at all times retain in Canada and under its own control assets of a market value at least equal to the amount of its total liabilities to its policyholders in Canada and of such assets an amount at least equal to two-thirds of its said total liabilities in Canada, shall consist of investments in or loans upon Canadian securities.

2. All the securities of every such company other than such as are referred to in subsection 1 of this section shall be held at the head office of the company or elsewhere in Canada: Provided, however, that in the event of its being necessary to remove any portion of such securities from Canada for the purpose of exchanging the same for other securities authorized under this Act, or for any similar purpose, they may be entrusted for the purpose intended to a responsible person residing outside of Canada.

Securities to be held in Canada.

61. Except for the *bona fide* purpose of protecting investments previously made by it, and subject to the approval of the Treasury Board, no such life insurance company shall, nor shall its directors or officers or any of them on its behalf, under colour of an investment of the company's funds, or otherwise, directly or indirectly be employed, concerned or interested in the formation or promotion of any other company: Provided that nothing in this Act shall be deemed to prohibit insurance companies investing their funds in securities of a new company as provided in section 59 of this Act.

Interest in forming other companies.

62. No such life insurance company shall subscribe to or participate in or employ the funds of the company in any underwriting for the purchase or sale of securities or property of any kind, nor shall any director or officer, except for the *bona fide* purpose of protecting investments already made by the company, enter into any transaction for such purchase or sale on account of said corporation, jointly with any other person, firm or corporation: Provided that this section shall not be deemed to prohibit the subscription in manner aforesaid for bonds or securities permitted by this Act as a *bona fide* permanent investment on behalf of any such company.

Underwriting restricted.

Exception as to permanent investments.

63. Any insurance company, other than a life insurance company, which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may invest its funds, or any portion thereof, in the purchase of any of the bonds, stocks, debentures, or other securities in which a life insurance company is by this Act hereinbefore authorized to invest its funds, except annuity contracts, or life, endowment or other policies of life insurance, or may lend its funds, or any portion thereof, on the security of any of such bonds, stocks,

Investment by companies other than life companies.

debentures or other securities aforesaid, except annuity contracts, or life, endowment or other policies of life insurance as aforesaid.

Deposits outside of Canada.

Securities to be held in Canada.

2. Any such company may deposit outside of Canada such portion of its funds and securities as is necessary to the maintenance of any foreign branch or branches, but all other securities of such company shall be held at the head office of the company or elsewhere in Canada; nevertheless the proviso contained in subsection 2 of section 60 of this Act shall apply to such securities. 5 10

Additional security to secure repayment of liabilities.

64. Any company which derives its corporate powers or any of them from an Act of the Parliament of Canada, or which is within the legislative power of the Parliament of Canada, may take any additional securities of any nature to further secure the repayment of any liability thereto, or to further secure the efficiency of any of the securities in or upon which such company is by this Act authorized to invest or lend any of its funds. 15

Securities, how taken.

65. Such securities may be taken and accepted either in the name of the company or in the name of any officer of the company or other person in trust for the company. 20

Terms, manner and amount of loans.

66. Any loan by this Act authorized to be made may be on such terms and conditions, and in such manner and at such times, and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest together, as the directors from time to time determine. 25

Holding of real estate.

67. Notwithstanding anything contained in its Act of incorporation, or in any Act amending it, any insurance company which derives its corporate powers, or any of them, from an Act of the Parliament of Canada, or which is within the legislative power of the said Parliament, may hold such real estate as is required for its actual use and occupation or such as may reasonably be required for the natural expansion of its business (including such as having been lawfully acquired is vested in it at the time of the passing of this Act) or such as is *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided that any such company which transacts business in the United Kingdom may with the consent of the Treasury Board acquire and hold such real estate therein as its directors deem necessary for the use of the company's branch, or the expansion of its business in the said United Kingdom. Provided further that no parcel of land or interest therein, at any time acquired by such company and not required for its actual use and occupation, present or prospective, as hereinbefore in this section mentioned, and not held by way of security, shall be held by such company or any trustee on its behalf, for a longer period than twelve years after the acquisi- 30 35 40 45

Limitation as to time.

tion thereof, but shall, at or before the expiration of such period be absolutely sold and disposed of, so that such company shall no longer retain any interest therein, except by way of security.

2. Any such parcel of land, or any interest therein, not with-  
5 in the exceptions hereinbefore mentioned, which has been held by such company for a longer period than twelve years without being disposed of, shall be liable to be forfeited to His Majesty for the use of Canada: Provided that:—

Forfeiture  
of lands.

10 (a) No such forfeiture shall take effect until the expiration of at least six calendar months after notice in writing to the company by the Minister of the intention of His Majesty to claim the forfeiture; and

Notice of  
intention.

15 (b) The company may, notwithstanding such notice, before the forfeiture is effected, sell or dispose of the property free from liability to forfeiture.

Company  
may sell  
before  
forfeiture is  
effected.

3. It shall be the duty of such company to give the Minister when required a full and correct statement of all lands at the date of such statement held by the company, or in trust for it, and subject to the foregoing provisos.

Statement  
as to lands.

20 **68.** If upon an examination of the assets of a Canadian company or in the case of a company incorporated or legally  
formed elsewhere than in Canada and licensed under this Act,  
the assets in Canada of such Company as defined in subsection 2  
of section 20 of this Act, it appears to the Superintendent, or if  
25 he has any reason to suppose, that the value placed by the company upon the real estate owned by it or any parcel thereof is too great, he may either require such company to procure an appraisal-  
ment of such real estate by one or more competent valuers, or  
may himself procure such appraisalment at the company's ex-  
30 pense, and the appraised value, if it varies materially from the return made by the company, may be substituted in the annual report prepared for the Minister by the Superintendent. If,  
upon such examination, it appears to the Superintendent, or if  
he has any reason to suppose that the amount secured by mort-  
35 gage or hypothec upon any parcel of real estate, together with the interest due and accrued thereon, is greater than the value of such parcel, or that such parcel is not sufficient security for such loan and interest, he may in like manner require the company to procure an appraisalment thereof, or may himself at the  
40 company's expense procure such appraisalment, and if from the appraised value it appears that such parcel of real estate is not adequate security for the loan and interest, he may write off such loan and interest a sum sufficient to reduce the same to such an amount as may fairly be realizable from such security, in no  
45 case to exceed such appraised value, and may insert such reduced amount in his said annual report.

Appraise-  
ment of real  
estate by  
direction of  
Superinten-  
dent.

2. If upon any examination of a Canadian company's affairs it appears to the Superintendent for any reason desirable that a complete and thorough audit of the books of the company should

Special audit  
of books by  
direction of  
Superinten-  
dent.

be made or if a company makes a written request for such audit, the Superintendent may nominate a competent accountant who shall, under the direction of the Superintendent, make a special audit of the company's books, accounts and securities and report thereon to the Superintendent in writing verified by the oath of such accountant. The expenses of such special audit shall be borne by the company and the auditor's account therefor when approved in writing by the Superintendent shall be conclusive and shall be payable by the company forthwith. 5

*Penalties and Forfeitures.*

Default in depositing with Superintendent annual statement. Penalty. Recovery of penalty.

**69.** Every company which makes default in depositing in the Department the annual and other statements herein provided for, shall incur a penalty of ten dollars for each day during which such default continues. 10

2. All such penalties shall be recoverable and enforceable with costs at the suit of His Majesty, instituted by the Attorney General of Canada, and shall when recovered be applied towards payment of the expenses of the Department. 15

Suspension of license in default of payment.

3. If such penalties are not paid, the Minister, with the concurrence of the Treasury Board, may order the license of such company to be suspended or withdrawn as is deemed expedient, and until such penalties are paid, the license of such company shall not on expiry be renewed. 20

Penalty.

**70.** Every person who:—

(a) In Canada, for or on behalf of any individual underwriter or underwriters, or any insurance company not possessed of a license provided for by this Act in that behalf and still in force, solicits or accepts any risk, or grants any annuity or advertises for, or carries on any business of insurance, or prosecutes or maintains any suit, action or proceeding, or files any claim in insolvency relating to such insurance, or, acting as an insurance agent, receives directly or indirectly any remuneration from any British or foreign unlicensed insurance company or underwriters; or, except as provided for in section 139 of this Act, issues or delivers any receipt or policy of insurance, or collects or receives any premium, or inspects any risk, or adjusts any claim; or 25 30 35

(b) except only on policies of life insurance issued to persons not resident in Canada at the time of issue, collects any premium in respect of any policy; and 40

every director, manager, agent, or other officer of any assessment life insurance company subject to Part II of this Act, and every other person transacting business on behalf of any such company, who circulates or uses any application, policy, circular or advertisement on which the words "Assessment System" are not printed as required by Part II of this Act; 45

Penalty.

- shall, on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for a first offence, be liable to a penalty not exceeding fifty dollars and costs, and not less than twenty dollars and costs, and in default of payment, to imprisonment with or without hard labour for a term not exceeding three months and not less than one month; and for a second or any subsequent offence, to imprisonment with hard labour for a term not exceeding six months and not less than three months.
- 10 71.** All informations or complaints for any of the aforesaid offences shall be made or laid in writing within one year after the commission of the offence. Limitation of actions.
- 15 72.** Every assessment life insurance company which neglects to print the words "Assessment System" on any policy, application, circular or advertisement, as required by Part II of this Act, and Assessment Company to print certain words on policies, etc.
2. Every company which—
- 20 (a)** carries on, without receiving the license required by Part IV. of this Act, any business of insurance for the carrying on of which a license is by Part IV. of this Act required; or Carrying on business without license under Part IV.
- (b)** carries on any such business after any such license received has been revoked,— After revocation.
- 25** shall, on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices of the peace, for every offence be liable to a penalty not exceeding fifty dollars and costs and not less than twenty dollars and costs. Penalty.
- 30 73.** One-half of any pecuniary penalty specified in the preceding sections of this Act when recovered shall belong to His Majesty and the other half thereof to the informer. Application of penalty.
- 35 74.** Every assessment life insurance company, obtaining the exemption provided for by Part II. of this Act, which fails to make attested returns of its condition and affairs when called for by the Superintendent, as required by Part II. of this Act, and every officer of any such company whose duty it is to make such attested returns, shall, for each day during which such failure continues, be liable to a penalty of ten dollars. Assessment company failing to make attested returns.  
Penalty.
- 40 75.** Notwithstanding anything hereinbefore mentioned, in case of any contract entered into or any certificate of membership or policy of insurance issued before the twentieth day of July, one thousand eight hundred and eighty-five, by any assessment life insurance company, assessments may be made and collected, and claims paid, and all business connected therewith transacted without any penalty being incurred. Contracts prior to 20th July, 1885.  
No penalty.

*Voting by Proxy.*

Voting by proxy: companies other than life. **76.** The provisions of this section shall extend and apply to every company other than a life insurance company having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name, and also to every mutual insurance company within the legislative power of the Parliament of Canada. **5**

Application. **2.** The said provisions shall so extend and apply, notwithstanding anything to the contrary in any special Act relating to such companies or in any by-law or by-laws thereof.

Proxy must be shareholder. **3.** At all meetings at which holders of shares in the capital stock or guarantee capital, policyholders, or members are entitled to vote, they may respectively vote by proxy and every proxy must be himself a shareholder, policyholder or member and entitled to vote. **10**

*Investments—Annual Report.*

Permissible investments only to be allowed as assets. **77.** In his annual report prepared for the Minister under the provisions of paragraph (e) of section 38 of this Act, the Superintendent shall, after the first day of January, 1911, allow as assets only such of the investments of the several companies as are authorized by this Act, or by their Acts of incorporation, or by the general Acts applicable to such investments. **15**

Superintendent's correction of annual statements. **2.** In his said report the Superintendent shall make all necessary corrections in the annual statements made by the companies as herein provided and shall be at liberty to increase or diminish the liabilities of such companies to the true and correct amounts thereof as ascertained by him in the examination of their affairs at the head office thereof in Canada, or otherwise. **20**

Appeal to Exchequer Court. **3.** An appeal shall lie in a summary manner from the ruling of the Superintendent as to the admissibility of any asset so disallowed by him, or as to any item or amount so added to liabilities, or as to any correction or alteration made in any statement, or as to any other matter arising in the carrying out of the provisions of this Act, to the Exchequer Court of Canada, which court shall have power to make all necessary rules for the conduct of appeals under this section. **25**  
**30**

The same. **4.** For the purposes of such appeal the Superintendent shall at the request of the company interested give a certificate in writing setting forth the ruling appealed from and the reasons therefor, which ruling shall, however, be binding upon the company unless the company shall within fifteen days after notice of such ruling serve upon the Superintendent notice of its intention to appeal therefrom, setting forth the grounds of appeal, and within fifteen days thereafter file its appeal with the registrar of the said court and with due diligence prosecute the same, in which case action on such ruling shall be suspended until the court has rendered judgment thereon. **35**  
**40**

78. Unless otherwise provided in any special Act passed by the Parliament of Canada after the twenty-eighth day of April, one thousand eight hundred and seventy-seven, incorporating any insurance company, such special Act and all Acts amending it shall expire and cease to be in force, except for the sole purpose of winding up such company's affairs, at the expiration of two years from the passing thereof, unless within such two years the company thereby incorporated obtains a license from the Minister under the provisions of this Act.

Charter expires unless license obtained.

Time limit.

*Reduction and Subsequent Increase of Capital.*

79. The directors of any company which derives its corporate powers from an Act of the Parliament of Canada or which is subject to the legislative power of the said Parliament, may, subject to the proviso hereinafter contained, in the event of its paid-up capital being impaired, at any time and from time to time, after being duly authorized and empowered by a resolution approved by the votes of shareholders representing at least two-thirds of all the subscribed stock of the company at a special general meeting duly called for considering such resolution, pass a by-law for writing off the said paid up capital any amount which they have been so authorized and empowered by the shareholders as aforesaid to write off such paid up capital, but no part of its assets shall be distributed to its shareholders: Provided, however, that the paid up capital shall not be reduced,—

Reduction of capital by by-law.

(a) below the minimum amount fixed by the company's Act of incorporation as necessary to be paid up before the company can commence business, or,

Proviso as to reduction of paid up capital.

(b) in case no such amount is fixed by such Act of incorporation, then below the amount fixed by this Act or by the Treasury Board in pursuance of section 141 of this Act as the company's deposit on obtaining a license.

2. The capital of a company shall be deemed to be impaired when its assets, exclusive of its paid-up capital, are less than its liabilities calculated according to the requirements of this Act.

When capital is deemed impaired.

3. Such by-law shall declare the par value of the shares of the stock so reduced and the capital stock of the company shall be reduced by the amount of the reduction in the paid-up portion thereof.

Declaration in by-law.

4. The liability of the shareholders shall remain the same as if no reduction had been made in the paid-up capital stock of the company.

Liability of shareholders.

80. The directors may—

Increase of capital

(a) from time to time out of that portion of the profits of the company which belongs to the shareholders, by declaring a stock dividend or bonus or otherwise, increase the paid-up capital thereof to an amount not exceeding

the amount or amounts by which the same may have been reduced under the provisions of the last preceding section, and thereafter the paid-up capital and the capital stock and each share shall represent the aggregate of the amount to which it has been reduced and the amount of such increase so declared as aforesaid; or, 5

Issue of new stock.

(b) issue new stock to an amount not exceeding the amount of such reduction, which stock shall be first offered at not less than par to the shareholders in proportion to the existing shares held by them; and such offer shall be made by notice specifying the number of shares of new stock to which each shareholder is entitled and limiting a time within which the offer, if not accepted, will be deemed to be declined, and after the expiration of such time, or on the receipt of an intimation from any shareholder to whom such notice is given that he declines to accept the shares offered, the directors may dispose of the same, at not less than par, in such manner as they think most beneficial to the company. The nominal value of the shares of new stock so issued shall be the same as the nominal value of the shares of the reduced paid-up capital stock. 10 15 20

Enlargement of license on authority of Treasury Board.

**81.** Any company which is within the legislative power of the Parliament of Canada, being at the time this Act goes into effect licensed to carry on business in Canada pursuant to *The Insurance Act*, may upon being authorized by a by-law made by the directors and confirmed at a general meeting of the company duly called for that purpose and upon making such further deposit and complying with such terms and conditions as may be fixed and prescribed by the Treasury Board upon the report of the Superintendent, carry on such kind or kinds of insurance, within the limits set forth in section 8 of this Act, as may be authorized by the license to be from time to time issued to the company pursuant to the provisions herein contained. 25 30 35

Form of Act of incorporation.

**82.** An Act of incorporation of an insurance company in the form F in the schedule to this Act shall confer upon the company thereby incorporated all the powers, privileges and immunities and shall subject it to all the liabilities and provisions in this Act applicable thereto. 40

## PART II.

### LIFE INSURANCE.

#### *Application of Part.*

Life insurance.

**83.** This Part applies only to life insurance companies, and to other insurance companies carrying on life and other insurance, in so far only as relates to the life insurance business of such companies.

Policies.

84. From and after the first day of January, one thousand nine hundred and eleven, every policy delivered in Canada by any life insurance company under the legislative jurisdiction of the Parliament of Canada or licensed to carry on the business of life insurance within Canada shall be deemed to contain the whole contract between the parties and no provision shall be incorporated therein by reference to rules, by-laws, application, or any other writing, unless they are endorsed upon or attached to the policy when issued.

10 2. This section shall not apply to the business of industrial insurance.

Policy deemed whole contract.

85. No officer, agent, employee or servant of such life insurance company nor any person soliciting insurance, whether an agent of the company or not, shall be deemed to be for any purpose whatever the agent of any person insured in respect of any question arising out of the contract of insurance between such person insured and the company.

Agent, etc., of company not to be agent of insured.

86. After the first day of January, one thousand nine hundred and eleven, no such life insurance company, and no officer, director or agent thereof, shall issue or circulate, or cause or permit to be issued or circulated in Canada any estimate, illustration or statement of the dividends or shares of surplus expected to be received in respect of any policy issued by it.

Estimates forbidden.

87. No such life insurance company shall make or permit any distinction or discrimination in favour of individuals between the insured of the same class and equal expectation of life in the amount of premiums charged, or in the dividends payable on the policy, nor shall any agent of any such company assume to make any contract of insurance, or agreement as to such contract, whether in respect of the premium to be paid or otherwise, other than as plainly expressed in the policy issued; nor shall any such company or any officer, agent solicitor or representative thereof pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducement to insure, any rebate of premium payable on the policy, or any special favour or advantage in the dividends or other benefits to accrue thereon, or any advantage by way of local or advisory directorship where actual service is not *bonâ fide* performed, or any paid employment or contract for services of any kind, or any inducement whatever intended to be in the nature of a rebate of premium; nor shall any person knowingly receive as such inducement any such rebate of premium or other such special favour, advantage, benefit, consideration or inducement; nor shall any such company or any officer, agent, solicitor or representative thereof give, sell or purchase as such

Rebates, discrimination, etc., forbidden.

inducement, or in connection with such insurance, any stocks, bonds, or other securities of any insurance company or other corporation, association or partnership.

2. Each company shall deposit and keep deposited with the Superintendent a copy of its established rates for all plans of insurance, such rates in the ordinary branch, as distinguished from the industrial branch, being based upon an insurance of one thousand dollars, and shall be applicable to insurance for that amount and *pro rata* for greater amounts. 5

Exception in cases prior to Act.

3. This section shall not apply to re-insurance contracts nor to acts done in pursuance of agreements made relative to policies issued prior to the passing of this Act. 10

Penalty for rebating, etc.

**88.** Each and every person violating the provisions of the last preceding section shall for a first offence be liable to a penalty of double the amount of the annual premium on the application or policy in respect of which such violation took place, but in no case shall such penalty be less than one hundred dollars, and for a second or subsequent offence such person shall be liable to a penalty of double the amount of such annual premium, but in no case less than two hundred and fifty dollars. 15

Penalty for permitting rebates, etc.

2. Every director or manager or other officer of any life insurance company within the legislative jurisdiction of the Parliament of Canada or licensed under *The Insurance Act* to carry on the business of life insurance who violates or knowingly consents to or permits the violation of the provisions of the next preceding section by any agent, officer, employee or servant of the company shall be liable to a penalty of five hundred dollars. 20

Rebates, etc., and disposal of penalty.

3. The penalties provided for in this section shall be recoverable in any Court of competent civil jurisdiction at the suit of any person suing as well for His Majesty as for himself. One-half of any such penalty shall, when recovered, be applied towards payment of the expenses of the Department and the other half to the person suing. 25

Offenders not to be indemnified out of funds of company.

4. No such director, manager, agent, officer, employee or other servant shall be indemnified either in whole or in part either in respect of the penalty or of any costs out of the funds of the company. 35

Quinquennial distribution of surplus.

**89.** Except as provided in section 90 of this Act every such life insurance company, anything in its special Act or elsewhere to the contrary notwithstanding, shall provide in every participating policy issued or delivered within Canada on or after the first day of January, one thousand nine hundred and eleven, that the proportion of the surplus accruing upon such policy shall be ascertained and distributed at intervals not greater than quinquennially. 40 45

Surplus under deferred dividend policies

**90.** In the event of a company issuing, on and after the first day of January, one thousand nine hundred and eleven,

policies which provide for the distribution of surplus or profits at less frequent intervals than quinquennially, and known as deferred dividend policies, such company shall, with respect to such policies, ascertain and apportion at least once in every 5 five years, reckoning from the date of the policies, to each class thereof, the share in such surplus or profits to which such class is equitably entitled, and the total sum of the shares so ascertained and apportioned shall, like the reserve or reinsurance fund, be and constitute a liability of the company, and shall be 10 charged and carried in its accounts accordingly until it has been actually distributed and paid to the policyholders entitled thereto.

**91.** Except in the case of a term or an industrial policy, the share of surplus allotted to any participating policy issued on 15 or after the first day of January, one thousand nine hundred and eleven, shall, at the option of the holder of the policy, be payable in cash, or be applicable to the payment of any premium or premiums, or otherwise if the company grants other options, upon said policy or to the purchase of a paid-up addition 20 thereto; and, in the case of a term policy shall, at the holder's option, be payable in cash, or be applicable to the payment of premiums: Provided, however, that the option of the holder of a policy once exercised shall, except with the consent of the company, remain in force during the whole of the exist- 25 ence of the policy.

**92.** Such company shall, in all cases where the insured has not elected in his application or otherwise in writing in which manner the said dividends shall be applied, mail a written notice to him, at his last known residence, of the amount of the said 30 dividends and the options available as aforesaid; and in case the holder fails to notify the company in writing of his election within three months after the date of the mailing of said notice, the surplus shall be applied by the company in the case of a term or industrial policy in payment of any premium or pre- 35 miums upon the policy, and in the case of other policies to the purchase of a paid-up addition to the sum insured.

2. Sections 91 and 92 shall not apply to deferred dividend policies.

**93.** From and after the first day of January, one thousand 40 nine hundred and eleven, every such company shall, in respect of all participating policies issued and in force in Canada on the said first day of January, one thousand nine hundred and eleven, which provide for the distribution of surplus or profits at less frequent intervals than quinquennially and known as deferred 45 dividend policies, ascertain and contingently apportion at least once in every five years reckoning from the date of the policies, to each class thereof, the share in such surplus or profits to which such class is contingently entitled. The total sum of the shares

Option of policyholder.

Notice to policyholder.

If he does not make election.

Quinquennial apportionment of profits.

so ascertained and contingently apportioned shall be carried into the accounts and shall be kept separate and distinct from the undivided or unapportioned surplus and so shown.

Suits by policyholders against company.

**94.** Any suit, action or proceeding deemed necessary in the interest of the policyholders of any company licensed under this Act, or of any class of such policyholders, may with the consent of the Superintendent be instituted in any court of competent jurisdiction on behalf of such policyholders, by the Attorney General of Canada, against the company or the directors, trustees or other officers thereof, and any judgment recovered in any such suit, action or proceeding whether for an accounting or for any sum of money, shall enure and be applied for the benefit of such policyholders, or class thereof. 5 10

Proceedings to be instituted by Attorney General. R.S.C. 144.

2. Proceedings may at the request or with the consent of the Superintendent be instituted by the Attorney General of Canada under *The Winding-up Act*— 15

- (a) against any Canadian company licensed under this Act, for the making of a winding-up order under said Act, to wind up the business of such company, or
- (b) against any company other than a Canadian company licensed under this Act, for an order for the winding-up of its Canadian affairs and the distribution of the Canadian assets of such company pursuant to said Act. 20

Proceedings during continuance of license.

3. The proceedings mentioned in the preceding subsection may be instituted during the continuance of the license of the company upon any ground upon which such an order may be made under the provisions of *The Winding-up Act*, other than Part III thereof, or, after the company has become subject to the provisions of *The Winding-up Act*, pursuant to section 161 of the said Part III. 25 30

Form of policy to be approved.

**95.** On and after the first day of January, one thousand nine hundred and eleven, no policy of life insurance shall be delivered in Canada by any company licensed under this Act until a copy of the form of such policy has been mailed by prepaid registered letter to the Superintendent; and unless it contains in substance the following provisions:— 35

Days of grace for payment of premiums.

- (a) That the insured is entitled to a grace of thirty days within which the payment of any premium other than that of the first year may be made, subject to the option of the company to an interest charge not in excess of six per cent per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in full force; but in the event of the policy becoming a claim during the said period of grace and before the overdue premiums or the deferred premiums, if any, of the current policy year are paid, the amount of such premiums with interest on any overdue premium may in settlement of the claim be deducted from the sum insured; 40 45

- 5 (b) That the insured may, without the consent of the company, engage in the active service of the militia of Canada, notice thereof, however, to be given by or on behalf of the insured to the company within ninety days after the date of his so engaging in such service and such extra premium to be paid during the continuance of such service as the company shall fix in pursuance of the terms of the policy;
- 10 (c) That, subject to the provisions of paragraph (e) of this subsection, the policy shall be incontestable after not later than two years from its date except for fraud, non-payment of premiums, or for violation of the conditions of the policy relating to engaging in military service (other than such as mentioned in the next preceding paragraph) or naval service in time of war without the consent in writing of a duly authorized officer of the company;
- 15 (d) That the policy and the endorsement thereon shall constitute the entire contract between the parties and that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties and that no such statement shall be used in defence to a claim under the policy unless it is contained in a written application and a copy of such application or such parts thereof as are material to the contract shall be endorsed upon or attached to the policy when issued;
- 20 (e) That if the age of the insured has been under-stated the amount payable under the policy shall be such as the premiums would have purchased at the correct age;
- 25 (f) The options as to surrender values, or paid up insurance or extended insurance to which the policyholder is entitled in the event of default in a premium payable after three full annual premiums have been paid;
- 30 (g) That after three full annual premiums or their equivalent half-yearly or quarterly premiums have been paid on a policy the company shall loan on the sole security thereof at a rate of interest not exceeding seven per cent per annum a sum not exceeding ninety-five per cent of the surrender value of such policy less any indebtedness to the company in respect thereof; such policy being first deposited with and assigned to the company by an assignment executed by all proper parties and in the form G in the schedule to this Act, or in such other form as may be approved of by the Superintendent: Provided, however, that such loan may at the option of the company be deferred for a period not exceeding three months from the time the policyholder applies therefor;
- 35 (h) A table showing in figures the surrender and loan values, and the options available under the policy each year upon default in premium payments, until the end of the twentieth year at least of the policy, beginning with the year
- Incontestability after 2 years.
- Policy and endorsement to be entire contract.
- Age under-stated.
- Lapsed policies.
- Loan on policy.
- Table of surrender and loan values.

	in which such values and options first become available; the surrender and loan values may be shown on the basis of one thousand dollars of insurance, and the loan values may be shown as a percentage of the surrender values;	
Table of instalments.	(i) In case the proceeds of a policy are payable in installments or as an annuity, a table showing the amounts of the installment and annuity payments;	5
Renewal of policy.	(j) A provision that the holder of a policy shall be entitled to have the policy reinstated at any time within two years from date of lapse, unless the cash value has been duly paid, paid up insurance granted, or the extension period expired, upon the production of evidence of insurability satisfactory to the company and the payment of all overdue premiums and any other indebtedness to the company upon said policy with interest at the rate of not exceeding six per cent per annum, compounded annually from the date of lapse.	10 15
Exceptions.	Any of the foregoing provisions or portions thereof not applicable to single premium or non-participating or term or annuity policies shall to that extent not be incorporated therein.	20
Exceptions.	2. This section shall not, except as relates to the filing with the Superintendent of copies of forms of policies, apply to assessment companies, nor to policies of industrial insurance.	
Separate accounts of participating and non-participating business.	<b>96.</b> All such life insurance companies, notwithstanding anything to the contrary in any special Act or elsewhere, shall, after the first day of January, one thousand nine hundred and eleven, keep separate and distinct accounts of participating and non-participating business.	25
Action of policyholders against foreign company.	<b>97.</b> Every policy issued by any company incorporated or legally formed elsewhere than in Canada in favour of a resident of Canada shall have a clause embodied therein or endorsed thereon to the effect that an action to enforce the obligations of such policy may be validly taken in any court of competent jurisdiction in the province where the policyholder resides or last resided before his decease and said policy shall not contain any provision inconsistent with such clause.	30 35
Companies having capital stock.	<b>98.</b> The provisions of this section shall extend and apply to every licensed life insurance company having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name, within the legislative power of the Parliament of Canada.	40
Application.	2. The said provisions shall so extend and apply, notwithstanding anything to the contrary in any special Act relating to such life insurance company or in any by-law or by-laws thereof.	
Shareholders' and policyholders' directors to be elected.	3. Every such company shall, by by-law passed prior to the first day of October, one thousand nine hundred and ten, determine the number of directors to be elected by the shareholders	45

and by the participating policyholders, respectively, as herein-  
after provided, and the number of policyholders' directors so  
determined shall be at least one-third of the total number so to  
be elected. The company may, by the said by-law, provide that  
5 all the directors, of both classes, shall be elected for one, two or  
three years. If the by-law provides for a two years' or three  
years' term of office, it may also provide either, (a) that the  
term of office shall be continuous for all directors of both classes,  
10 or (b) that a certain proportion, not less than one-third, of each  
class, shall retire annually. At the annual meeting held in one  
thousand nine hundred and eleven, and at each subsequent  
annual meeting, there shall be elected a board as determined by  
by-law aforesaid, but such board shall consist of not less than  
15 nine nor more than fifteen directors all of whom shall be eligible  
for re-election. The shareholders' directors shall be elected  
by the shareholders and the policyholders' directors shall be  
elected by the participating policyholders.

4. The manager of the company may be a director of the com-  
pany, but no agent or paid officer other than the manager shall be  
20 eligible to be elected as a director. The words "paid officer" in  
this subsection do not include the president and vice-president, or  
the president and the first vice-president if more than one, elected  
under the provisions of subsection 9 of this section.

Manager  
may be a  
director.

5. No person shall be a shareholders' director unless he holds in  
25 his own name and for his own use shares of the capital stock of  
the company to an amount of at least two thousand five hundred  
dollars, and has paid all calls due thereon and all liabilities  
incurred by him to the company.

Qualifica-  
tions for  
shareholders'  
director.

6. At all general meetings of the company each shareholder  
30 present in person or represented by proxy who has paid all calls  
due upon his shares in the capital stock and all liabilities incurred  
by him to the company shall have one vote for each share held by  
him.

One vote  
for each  
share held.

7. Every person whose life is insured under a participating  
35 policy or participating policies of the company for two thousand  
dollars or upwards, upon which no premiums are due, whether  
such person is a shareholder of the company or not, hereinafter  
called a participating policyholder, shall be a member of the  
company and be entitled to attend at all general meetings of  
40 the company, but participating policyholders as such shall not  
be entitled to vote for the election of shareholders' directors:  
Provided however, that in case of liquidation of the company, the  
policyholder as such member shall not be entitled to share in the  
distribution of the assets or be liable to be placed on the list of  
45 contributories. Every holder of a participating policy or policies  
of the company for four thousand dollars or upwards, exclusive  
of bonus additions, upon which no premiums are due, who is not  
a shareholder, and who has paid premiums on such policy or  
policies for at least three full years, shall be eligible for election  
50 as a policyholders' director.

Every  
holder of  
participating  
policy of  
\$2,000 a  
member.

Qualifica-  
tions for  
policyholders'  
director.

Meeting.	8. The policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters.	
President.	9. The directors shall elect from among themselves a president and one vice-president or more.	
Quorum.	10. At all meetings of directors for the transaction of business a majority shall be a quorum.	5
Annual meeting.	11. The company shall have a fixed time in each year for its annual meeting and such time shall be printed in prominent type on each renewal receipt issued by the company, and due notice also given at least fifteen days before in two or more daily newspapers published at or near the head office of the company.	10
Voting	12. At the annual meeting no shareholder shall vote for more than the number of shareholders' directors to be elected, and no policyholder shall vote for more than the number of policyholders' directors to be elected.	15
Instrument of proxy.	13. Every proxy representing a shareholder must be himself a shareholder and entitled to vote, and an instrument of proxy shall not be valid unless executed within three months of the date of the meeting at which it is to be used, and unless filed with the secretary at least ten days before such meeting, and shall be used only at such meeting or any adjournment thereof, and may be revoked at any time prior to such meeting.	20

*Forfeiture and Renewal of Licenses.*

Withdrawal of license for non-payment of undisputed claim judgment.	<b>99.</b> Whenever satisfactory proof has been furnished to the Minister of any undisputed claim upon a company, arising on any policy of life insurance in Canada, remaining unpaid for the space of sixty days after becoming due, or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legal valid discharge made to the agent of such company, the Minister may withdraw the license of such company.	25 30
Renewal of license.	<b>100.</b> Such license may be renewed if, within thirty days after such withdrawal, such undisputed claim or final judgment upon or against the company is paid and satisfied.	
Renewal of forfeited license.	<b>101.</b> When the license of a company carrying on the business of life insurance has been withdrawn by the Minister under any of the foregoing sections of this Act, such license may be renewed, if, within thirty days after such withdrawal, the company complies with the requirements of this Act to the satisfaction of the Minister.	35 40

*Companies ceasing to do business and Release of Deposits.*

Certain companies ceasing to do business.	<b>102.</b> In the case of any company which, previously to the twenty-eighth day of April, one thousand eight hundred and seventy-seven, was licensed to transact the business of life in-	
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5 surance in Canada, and which ceased to transact such business before the thirty-first day of March, one thousand eight hundred and seventy-eight, having before that date given written notice to that effect to the Minister, the premiums due or to become due on policies actually issued before the last mentioned date may continue to be collected, and the claims arising thereon may be paid, and all business appertaining thereto may be transacted, and all proceedings appertaining thereto, either at law or in equity, may be continued or commenced and prosecuted.

10 2. The deposit in the hands of the Minister in such case shall be dealt with under the law as it existed previously to the first mentioned date, as if this Act had not been passed.

Winding-up old business.

Deposit, how dealt with.

15 **103.** When any company licensed under this Act desires to discontinue business and to have its assets in Canada released, and gives written notice to that effect to the Minister, it may, with the consent of the policyholders, procure the transfer of its outstanding policies in Canada to some company or companies licensed under this Act in Canada, or may obtain the surrender of the policies, as far as practicable.

Transfer or surrender of policies by companies wishing to cease business.

20 2. The trustees holding securities for such company may employ any portion of the assets vested in them for the purpose of effecting such transfer or surrender.

Utilizing trust funds.

25 3. Such company shall file with the Minister a list of all Canadian policyholders whose policies have been so transferred or have been surrendered, and also a list of those which have not been transferred or surrendered.

List to be placed with Minister.

30 4. The company shall, at the same time, publish in *The Canada Gazette* a notice that it will apply to the Minister for the release of its assets and securities on a certain day, not less than three months after the date of the notice, and calling upon its Canadian policyholders opposing such release to file their opposition with the Minister on or before the day so named.

Notice in *Canada Gazette*.

35 **104.** After the day so named, upon the application for release being made, if the Minister, with the concurrence of the Treasury Board, is satisfied that such transfer or surrender has been effected, he may direct that a portion of the assets held by the trustees, or securities held by the Minister, shall be retained, sufficient in amount to cover the full equitable net surrender value of such policies, including bonus additions and accrued profits, as have not been transferred or surrendered, or in respect to which opposition has been filed; and may order the remaining assets or securities aforesaid to be released and transferred or paid over to the company.

Securities in case of transfer.

40 2. The portion retained shall be tendered in the manner hereinafter described to the aforesaid policyholders *pro rata*, according to the aforesaid values of their respective policies; and on the acceptance of the amount so tendered, such policies shall thereby be deemed to be cancelled.

Tender to policyholders.

Refusing  
tender.

3. If such tender is refused by any policyholder, the amount so tendered may be paid over to the company, and the policy shall continue in force, and such policyholder shall not be barred from any recourse he has, either at law or in equity, against the company to compel the fulfilment of its contract under such policy. 5

Mode of  
tender.

**105.** The tender referred to in the last preceding section shall be made in the following manner:—

List in  
*Gazette*.

(a) A list and notice in the form D in the schedule to this Act, or to the like effect, shall be published in *The Canada Gazette* for 10  
at least thirty days previously to the day named in such notice;

List in  
news papers.

(b) The company shall also cause the said list and notice to be published in such newspapers in Canada and for such length of time as the Minister determines;

Notice  
mailed.

(c) A notice in the form E in the schedule to this Act, or to 15  
the like effect, shall be sent by mail, postpaid or franked, from the Department to each of the policyholders named in the said list, whose address is known to the Superintendent; and such notice shall be deposited in some post office in Canada at least thirty days previously to the day named therein, which 20  
shall be the same day as that named in the list and notice in form D.

Acceptance  
must be  
signified.

2. Any policyholder who does not signify in writing to the Superintendent his acceptance of the amount so tendered, on or before the day named in the said notice, shall be deemed to 25  
have refused the same: Provided that the Minister may, at any time prior to the payment over to the company of the amount so refused, allow any policyholder to signify his acceptance of such amount, and such acceptance, so allowed, shall have the same effect as if made on or before the day named in the said 30  
notice.

Neglect may  
be waived.

Surrender,  
values, how  
determined.

**106.** The surrender values to cover which a portion of assets is retained as aforesaid shall be determined by the Superintendent on the basis provided in subsection 2 of section 42 of this Act for the valuation once in every five years, or oftener at 35  
the discretion of the Minister, of policies of life insurance; and he shall collect from the company the expenses of such valuation at the rate of three cents for each policy or bonus addition, and shall pay the same to the Minister before the latter shall hand over the securities. 40

Expenses of  
valuation.

Special  
arrange-  
ments.

**107.** Nothing herein contained shall prevent any policyholder from making special arrangements with the company whereby his policy may be continued in force.

Action on  
proof.

2. On proof being given of such arrangement, such policy may be omitted or removed from the lists of policies filed with the 45  
Minister as aforesaid, and this Act shall thereafter not apply in respect of such policy.

**108.** When any company such as described in subsection 3 of section 3 of this Act which has been licensed pursuant to said subsection to transact business throughout Canada, desires to discontinue business outside the province by the legislature of which it is incorporated, and to have its deposit with the Minister released, and gives notice to that effect to the Minister, the company may, with the consent of the policyholders resident outside such province, procure the transfer of the policies held by such policyholders to some company or companies licensed under this Act, or may obtain the surrender of such policies, in either of which cases upon proper and sufficient proof of such transfer or surrender being filed in the Department, the Minister may release and transfer such deposit to the treasurer of such province; or,

Release of deposit to Treasurer of Province on transfer of policies.

2. The company may, with the notice mentioned in the first subsection of this section, file in the Department a resolution of the shareholders of the company authorizing such discontinuance of business and the withdrawal of said deposit, such resolution also to be approved by the votes of four-fifths of the policyholders present in person or by proxy at a meeting of the policyholders duly called for the purpose of considering the same, and may cause the policies in favour of policyholders resident outside of such province to be reinsured with the approval of the Superintendent in some company or companies licensed under this Act or may procure the consent in writing of all such policyholders to such transfer, in which case also, upon proof being filed in the Department of the passing of such resolution and of its approval in manner aforesaid and of the reinsurance of such policies or the written consent of such policyholders, the Minister may release and transfer said deposit to the Treasurer of such province.

Release of deposit on reinsurance of policies.

3. The transfer of such deposit in manner aforesaid shall not in any way affect, alter, or diminish the rights of the policyholders with respect thereto, which shall remain in all respects the same as if no such transfer had been made.

Rights of policyholders not affected.

**109.** In computing or estimating the reserve necessary to be held in order to cover the liability of Canadian companies on their policies, and the liability of companies other than Canadian companies on all Canadian policies, each company may,—

Reserve necessary to cover liability.

(a) as to policies issued on or after the first day of January, one thousand nine hundred, and bonus additions or profits declared in respect thereof, employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding three and a half per cent per annum;

Calculation as to policies after January 1st, 1900.

Calculation as to policies prior to January 1st, 1900.

Calculation after January 1st, 1910.

Minister may cause calculation to be verified.

Particulars to be furnished.

Superintendent required to compute.

Profits from participating policies to be kept distinct from other profits.

(b) as to policies issued prior to the first day of January, one thousand nine hundred, and bonus additions or profits declared in respect thereof, until the first day of January, one thousand nine hundred and fifteen, employ any of such standard tables of mortality, and any rate of interest not exceeding four per cent per annum; and on and after the first day of January, one thousand nine hundred and fifteen, employ any of such standard tables of mortality, and any rate of interest not exceeding three and one-half per cent per annum. 5 10

2. If it appears to the Superintendent that such reserve falls below that computed on the basis provided in this Act, for the valuation once in every five years or oftener at the discretion of the Minister, of policies of life insurance, he shall so report to the Minister, who may thereupon direct the Superintendent to compute on the said basis or to procure to be so computed under his supervision, the reserve aforesaid, and the amount so computed, if it differs materially from the return made by the company, may be substituted in the annual statement of assets and liabilities. 15 20

3. In such case the company shall furnish to the Superintendent, on application, the full particulars of each of its policies necessary for such computation, and shall pay to the Superintendent such an amount as he deems sufficient to compensate for the services rendered to the company not, however, to exceed three cents for each policy or bonus addition so computed, which amount he shall pay over to the Minister. In the event of its appearing from the particulars so furnished that the net premium calculated on the basis of the British Offices Life Tables, 1893, O<sup>m</sup> (5), and a rate of interest of three and one-half per cent together with two and one-half per cent loading for expenses is in excess of the premiums receivable in respect of any policies issued after January first, one thousand nine hundred and eleven, the company shall be charged as a separate liability with the value of an annuity the amount of which shall be equal to such excess. 25 30 35

4. Any company, instead of itself computing or estimating the reserve aforesaid, may require it to be computed by the Superintendent on the basis referred to in this section, on payment to him of three cents for each policy or bonus addition so computed, which amount the Superintendent shall pay over to the Minister. 40

*Declaration of Profits in case of existing Companies.*

110. In the case of companies heretofore incorporated which have a capital stock and which are within the legislative power of the Parliament of Canada, the directors may, from time to time, set apart such portion of the net profits as they shall deem safe and proper for distribution as dividends or bonuses to 45

shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been distinguished as having been derived from participating policies, (including a share of the profits arising from the sale of securities in the proportion of the reserve on the participating policies to the total reserve), to the extent of not less than ninety per cent thereof; and before fixing or arriving at the amount of divisible profits, interest on the amount of unimpaired paid-up capital stock, but not including any premiums or bonuses paid thereon or in respect thereof, which have been expended in the establishment, prosecution or extension of the company's business or applied to making good any impairment of capital, and on any other sum or sums from time to time standing at the credit of the shareholders may be allowed or credited to such shareholders at the average net rate of interest earned in the preceding year, or other period under consideration, upon the mean invested funds of the company; such shareholders to be, however, charged with a fair proportion of all losses incurred upon investments or other losses of a similar character.

2. The provisions of subsection 1 of this section shall not interfere with the right of the participating policyholders of any such company to share in the profits realized from the non-participating branch of its business in any case in which such policyholders are so entitled under the Acts relating to such company in force at the time of the passing of this Act.

Rights of participating policyholders to profits.

#### *Assessment Life Insurance Companies.*

**111.** Sections 112 to 126, both inclusive, of this Act apply to assessment life insurance companies only.

Application.

**112.** No company shall, without being licensed or registered under this Act, carry on within Canada any business of life insurance by promising to pay on the death of a member of such company, a sum of money solely from the proceeds of assessments or dues collected or to be collected from the members thereof for that purpose.

License or registration of assessment necessary.

**113.** After the passing of this Act no company except such as is referred to in subsection 4 of section 3 of this Act, which carries on business of the nature described in the last preceding section, hereinafter referred to as assessment companies, shall be licensed or registered to carry on business thereunder, but licenses to such companies in force at the time of the passing of this Act may nevertheless be from time to time renewed.

Existing companies.

Exemption of existing companies

**114.** Any such company now licensed, so long as its license continues in force by renewal or otherwise, shall be exempted from the foregoing provisions of this Act relating to the maintenance of the reserve in respect of its policies required of ordinary life insurance companies and from the provisions of sections 13, 42, 84 and 85 thereof. 5

Renewal of license necessary.

**115.** The license of any such company shall cease to be valid on the thirty-first day of March in each year, but shall be renewable from year to year, in the discretion of the Minister.

Returns of their conditions and affairs.

**116.** Such companies shall make attested returns of their condition and affairs at such times and in such form, and attested in such manner, as are prescribed by the Minister, and the Superintendent shall include such returns in his annual report. 10

Death claims first charge.

**117.** Death claims shall be a first charge on all moneys realized from assessments, by any assessment company to which this Act applies, and no deduction shall be made from any such death claims on any account whatsoever. 15

Use of assessment for such purpose.

2. No portion of any moneys received from assessments by such companies for death claims shall be used for any expense whatever; and every notice of any assessment shall truly specify the cause and purpose thereof. 20

Application, policy, etc., to contain notice as to reserve.

**118.** Every application, policy and certificate, issued or used—

(a) in Canada by any such company incorporated elsewhere than in Canada; 25

(b) by any such company incorporated or formed in Canada to which this Act applies;

shall have printed thereon, in a conspicuous place, in ink of a colour different from that of the ink used in the instrument, and in large sized type the words:— 30

*“This association is not required by law to maintain the reserve which is required of ordinary life insurance companies.”*

Promises to pay out of certain funds.

**119.** Every policy issued or used in Canada by any company referred to in the last preceding section shall contain a promise to pay the whole amount therein mentioned out of the death fund of the association and out of any moneys realized from assessments to be made for that purpose, and every such association shall be bound, forthwith and from time to time, to make assessments to an amount adequate, with its other available funds, to pay all obligations created under any such certificate or policy without deduction or abatement. 35 40

To be inserted in policy.

2. The condition embodied in this section shall be inserted in every policy issued or delivered by any such company to any person insured in Canada. 45

**120.** Every policy issued by an assessment company incorporated or legally formed elsewhere than in Canada, in favour of a resident of Canada, shall have a clause embodied therein or endorsed thereon, to the effect that an action to enforce the obligation of such policy may be validly taken in any court of competent jurisdiction in the province wherein the policyholder resides or last resided before his decease, and such policy shall not contain any provision inconsistent with such clause.

Clause stating where action brought.

**121.** No such company shall assure to any of its members a certain annuity, either immediate or deferred, whether for life or a term of years, or any endowment whatever.

Companies assuring annuities ineligible for license.

**122.** The words "Assessment System" shall be printed in large type at the head of every policy and every application for a policy, and also in every circular and advertisement issued or used in Canada in connection with the business of an assessment company.

Words to be used by assessment companies.

**123.** If any company licensed or registered under this Act to carry on the business of life insurance on the assessment system, has filed in the office of the Superintendent notice of its intention, after the date mentioned in the said notice, to maintain in respect of all policies issued after the said date, in the case of a Canadian company, or in respect of all policies issued in Canada after the said date, in the case of a company other than a Canadian company, the reserve required by this Act to be maintained by ordinary life insurance companies upon contracts of life insurance with fixed and definite premiums, such company shall, with respect to all policies issued after the said date, if a Canadian company, and with respect to all policies issued in Canada after the said date, if a company other than a Canadian company, maintain for the security of the holders of the said policies the said reserve, and comply with all other provisions of this Act applicable thereto, as if it were licensed under this Act as an ordinary life insurance company.

Notice of intention to maintain a reserve.

Obligation thereafter.

2. Such company shall, as to such policies, be exempt from all special provisions and conditions imposed by this Act upon assessment life insurance companies, except it shall not assure to any of its members a certain annuity, either immediate or deferred, whether for life or for a term of years, or any endowment whatever.

Exemption from assessment provisions.

**124.** The deposit of any such company in the hands of the Minister, at the date mentioned in the notice in the preceding section referred to, shall be applicable to the policies issued prior to the said date, and shall be dealt with in regard to such policies as if the said notice had not been given.

Application of deposit.

2. Any such company shall, at the time of the filing of such notice, make with the Minister such deposits, if any, in respect of the policies to be issued in pursuance of such notice, as the Treasury Board may fix and determine.

Deposit compulsory.

Separate and distinct register and books.

**125.** For the purpose of carrying out the provisions of the two last preceding sections, separate and distinct registers and books of account shall be opened and kept, showing, respectively, all policies issued and business transacted by such company after the date mentioned in the said notice, and all policies issued and business transacted before the said date. 5

Contents.

2. Such books and registers shall show all assets, liabilities, moneys and securities belonging or appertaining to the said respective portions of such company's business; and the assets and the entire business of the said respective portions shall be kept absolutely separate and distinct. 10

Reserves or assets not available for liability of company.

3. The reserves or assets applicable to the policies issued by such company after the date mentioned in the said notice shall not be available in any way for any liability of such company arising out of any policy issued by it on the assessment plan. 15

Application of Act to assessment companies.

**126.** The provisions of this Act applicable to assessment life insurance companies, other than the provisions contained in the three last preceding sections, shall be applicable to the policies of the company issued prior to the said date, in the same manner and to the same extent as if the provisions contained in the said sections had not been enacted. 20

### PART III.

#### FIRE INSURANCE.

##### *Application of Part.*

Fire and inland marine.

**127.** This part applies only to fire insurance companies, and to other insurance companies carrying on fire insurance, in so far only as relates to the fire insurance business of such companies. 25

##### *Forfeiture and Renewal of Licenses.*

Licenses forfeited for failure to make deposit or pay claims.

**128.** Whenever any company fails to make the deposits under this Act at the time required, or whenever written notice has been served on the Minister of any undisputed claim, arising from loss insured against in Canada, remaining unpaid for the space of sixty days after it becomes due, or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legal valid discharge, the license of such company may be withdrawn by the Minister. 30

Renewal under certain conditions.

**129.** Such license may be renewed, and the company may again transact business, if, within sixty days after notice to the Minister of the failure of the company to pay any undisputed claim or the amount of any final judgment, as provided in the 35

last preceding section, all undisputed claims or final judgments upon or against the company in Canada are paid and satisfied.

*Companies ceasing to do Business and Release of Deposits.*

130. When any company has ceased to transact business in Canada, and has given written notice to that effect to the  
5 Minister, it shall insure, on behalf of its Canadian policyholders, all its outstanding risks in some company or companies licensed in Canada, or obtain the surrender of the policies.

Company ceasing business to reinsure.

2. The securities of such company shall not be delivered to the company until all its outstanding risks are insured to the  
10 satisfaction of the Minister.

Delivery of securities.

131. Upon making application for its securities the company shall file with the Minister a list of all Canadian policyholders who have not been so reinsured, or who have not surrendered their policies; and it shall at the same time publish in *The*  
15 *Canada Gazette* a notice that it has applied to the Minister for the release of its securities on a certain day not less than three months after the date of the notice, and calling upon its Canadian policyholders opposing such release to file their opposition with the Minister on or before the day so named.

Application for securities.

Steps to be taken.

20 2. After that day if the Minister, with the concurrence of the Treasury Board is satisfied that the company has ample assets to meet its liabilities to Canadian policyholders, he may order that all the securities be released to it, or that a sufficient amount of them be retained to cover the value of all risks out-  
25 standing or respecting which opposition has been filed. and that the remainder be released.

Order for release of securities.

3. Thereafter from time to time as such risks lapse, or proof is adduced that they have been satisfied, further amounts may be released on the authority aforesaid.

Further releases.

30 132. When a company has ceased to transact business in Canada after the notice by this Part required has been given, and its license has in consequence been withdrawn, such company may, nevertheless, pay the losses arising upon policies not  
35 reinsured or surrendered, as if such license had not been withdrawn.

Payment of losses after cancellation of license.

*Fire Policies.*

133. No fire policy shall be issued for or extend over a longer period than three years.

Duration of fire policies.

*Reserve Liability.*

134. For the purposes of the annual statement required to be furnished to the Superintendent under this Act by any company

Computation for annual statement

transacting fire or inland marine insurance, or both, the liability of the company if a Canadian company in respect of all its outstanding unmatured policies, or if a company other than a Canadian company in respect of its outstanding unmatured policies in Canada, shall be eighty per cent of the unearned premiums computed *pro rata* as at the date of such statement: Provided, however, that for the purposes of section 19 and subsection 2 of section 20 of this Act the reinsurance value of the outstanding unmatured Canadian policies of a company other than a Canadian company shall be the full unearned premiums computed *pro rata* as aforesaid.

Premium  
note  
business.

2. In the case of any such company which transacts a non-hazardous three year business on the premium note system or partly on the cash system and partly on the said premium note system, the liability of such company, for the purposes of such statement, in respect of its premium note business shall be eighty per cent of the unearned portion of the cash received upon and of the balance usually collectable in respect of all outstanding premium notes held by the company computed *pro rata* as at the date of such statement, and the amount of such premium notes in excess of the amount so usually collectable thereon shall be regarded as a contingent asset only.

*Impairment of Capital and Payment of Dividends.*

Assets,  
minimum  
amount of.

**135.** Every Canadian company licensed to carry on the business of fire insurance or marine insurance, or both, shall at all times maintain assets, allowable as such under the provisions of this Act or of its Act of incorporation or under the general Act applicable to such company, at least equal in value to the total of the unearned premiums upon all its outstanding unmatured policies, calculated *pro rata* for the time unexpired, together with the amount of matured claims and all its other liabilities of every kind.

Dividend not  
to impair  
capital.

2. Subject to the provisions of subsection 4 of this section, no dividend shall be paid by any such company while its capital is impaired or while its assets are less than the amount required by the next preceding subsection, nor shall any dividend be paid which would reduce its assets below the said amount or impair its capital.

Penalty.

3. If it appears to the Superintendent that the assets of any such company fall below the requirements of subsection 1 of this section, he shall report the fact to the Treasury Board and shall in said report state whether or not the company appears to him to have failed to comply with the requirements of the next preceding subsection, and the Treasury Board after a full consideration of the matter and after a reasonable time has been given to the company to be heard by them, may:—

(a) forthwith withdraw the company's license; or

(b) upon such terms and conditions as they deem proper, limit a time within which such company shall make good the deficiency (the company's license being continued in the meantime) and upon the company's failure to make good such deficiency within the time so limited, its license shall be withdrawn:

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Provided, however, that if the company's assets are less than the amount fixed by subsection 1 of this section by an amount equal to twenty per cent or upwards of the said unearned premiums calculated as aforesaid, or if the company has failed to comply with the requirements of subsection 2 of this section, its license shall be withdrawn.

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4. Where any such company has, prior to the passing of this Act, under the provisions of its Act of incorporation and any amendments thereto, created and issued part of its capital stock as preference stock, giving such preference stock the right to a fixed preferential dividend, the word "capital" in subsection 2 of this section shall be read and construed to mean as to such company its preferred capital exclusively in so far as regards the payment of such preferential dividends: Provided, however, that in the case of any such company the reserve liability for the purposes of this section may, with the approval of the Treasury Board, be calculated until the first day of January, one thousand nine hundred and fifteen, on the basis of not less than sixty per cent of the unearned premiums mentioned in the next preceding section.

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Preferential dividends.

**136.** In this section the word "surplus" means the excess of assets over the paid-up capital of the company and all the liabilities of the company, including the reserve for unearned premiums.

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2. Subject to the payment of preferential dividends as provided in subsection 4 of section 135, until the surplus of a Canadian fire insurance company shall equal or exceed the reserve of unearned premiums computed as provided in section 134 on all outstanding unmatured policies in Canada not re-insured, such company shall at the end of each year, commencing with the year one thousand nine hundred and ten, appropriate towards the surplus of such company, at least twenty-five per cent of the profits of the company for the year last past.

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**137.** No agent, broker or other person representing or doing business in Canada for any fire insurance company licensed under this Act shall, in any way, directly or indirectly, divide, or offer to divide, his commission or other remuneration with, or give, or offer to give, any part of his commission or other remuneration, or any other matter or thing of value to any person whose property he may be insuring or seeking to insure, or to any person having or claiming or appearing to have any influence or control as to the placing of such insurance, as an

"Surplus" defined.

Appropriation of profits for surplus.

Rebating prohibited.

inducement to insure with him or in or with a company employing him or represented by him.

Penalty for rebating, etc.

**138.** Every person violating the provisions of the last preceding section shall, for a first offence, be liable to a penalty of double the amount of the premium on the application or policy in respect of which such violation took place, but in no case shall such penalty be less than one hundred dollars, and for a second or subsequent offence such person shall be liable to a penalty of double the amount of such premium, but in no case less than two hundred and fifty dollars. 5 10

Penalty for permitting rebates, etc.

2. Every director or manager or other officer of any fire insurance company within the legislative power of the Parliament of Canada or licensed under this Act to carry on the business of fire insurance, who violates or knowingly consents to or permits the violation of the next preceding section by any agent, officer, employee or servant of the company, shall be liable to a penalty of five hundred dollars. 15

Rebates, etc. and disposal of penalty.

3. The penalties provided for in this section shall be recoverable in any court of competent civil jurisdiction at the suit of any person suing as well for His Majesty as for himself. One-half of any such penalty shall, when recovered, be applied towards payment of the expenses of the Department and the other half to the person suing. 20

Offenders not to be indemnified out of funds of company.

4. No such director, manager, agent, officer, employee or other servant shall be indemnified either in whole or in part either in respect of the penalty or of any costs out of the funds of the company. 25

Insurance in unlicensed companies.

**139.** Notwithstanding anything in this Act contained, any person may insure any property situated in Canada with any British or foreign unlicensed insurance company or underwriters, and may also insure with persons who reciprocally insure for protection only and not for profit; and any property insured or to be insured under the provisions of this section may be inspected and any loss incurred in respect thereof adjusted: provided such insurance is effected outside of Canada and without any solicitation whatsoever directly or indirectly on the part of such company, underwriters or persons by which or whom the insurance is made. 30 35

2. Every person so insuring property situated in Canada shall make a return to the Superintendent giving the location and a brief description of the property insured, the amount of the insurance, and whether insured in Lloyds, or some similar association, or in mutuals, reciprocal or other class of insurers, such return to be made by delivering or mailing it in a registered letter addressed to the Superintendent not later than the first day of March in each year for the year ending on the preceding thirty-first day of December. 40 45

3. Blank forms for such statements shall be supplied by the Superintendent.

4. Default in compliance with the requirements of paragraph 2 of this section by the insured shall subject him to a penalty of ten dollars for each day during which default continues recoverable and applicable in the manner prescribed in subsection 2 of section 69 of this Act.

## PART IV.

### INSURANCE OTHER THAN LIFE OR FIRE.

#### *Licenses.*

**140.** This part applies to companies carrying on business of insurance other than life or fire insurance. Application of Part.

**141.** No such company shall accept any risk or issue any policy of insurance or interim receipt or receive any premium in respect thereof or carry on any business of insurance in Canada without first obtaining a license from the Minister to carry on such business. The Treasury Board shall determine in each case what deposit shall be required to be made with the Minister. License required.

**142.** The provisions of this Act applicable to fire insurance companies and the business of fire insurance other than the provisions contained in section 139 shall, *mutatis mutandis*, apply to every such company and its business as to all matters not otherwise provided for herein: Provided, however, that the provisions relating to the calculation of reserve liability shall not apply to companies licensed to carry on the business of title insurance. Provisions applicable.

**143.** The Treasury Board, upon the report of the Superintendent, may revoke any license issued under this Part if sufficient cause therefor is shown by such report. Revocation of license.

## PART V.

### PROVISIONS APPLICABLE TO COMPANIES HEREAFTER INCORPORATED BY PARLIAMENT.

#### *Application of Part.*

**144.** The provisions of this Part shall apply to every insurance company incorporated by a special Act of the Parliament of Canada after the passing of this Act. Application of Part V.

**145.** The provisions of this Part, other than those of section 145, shall also apply to every insurance company incorporated by a special Act of the said Parliament during the present session thereof, and in any respect in which such provisions are inconsistent with the provisions of the special Act so passed during the present session the former shall prevail. Directors.

3. The provisions of this Part, other than those of section 145, shall also apply to every insurance company incorporated by a special Act of the said Parliament before the passing of this Act, but which has not yet been licensed, and in any respect in which such provisions are inconsistent with the provisions of the special Act so passed prior to the passing of this Act the former shall prevail: Provided, however, that all things lawfully done and all proceedings lawfully taken under the provisions of such special Act prior to the passing of this Act for the organization of the company or otherwise shall be valid and effectual for the purposes intended.

Standard provisions.

**145.** Every special Act of the Parliament of Canada passed after the passing of this Act for the incorporation of an insurance company in the form F in the schedule to this Act shall be read as if it contained the provisions hereinafter in this section set forth, and shall be construed having regard thereto.

Provisional directors.

(1) The persons named as such in the special Act shall be the provisional directors of the company, a majority of whom shall be a quorum for the transaction of business. They shall remain in office until replaced by directors duly elected in their stead, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and secure payments thereon. They shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received on account of the company and may withdraw the same for the purposes of the company only and may do generally what is necessary to organize the company.

Local boards and agencies.

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

Shares.

(3) The capital stock of the company shall be divided into shares of one hundred dollars each.

Increase of capital stock.

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

First meeting of shareholders.

(5) As soon as the amount for that purpose mentioned in the special Act has been subscribed and ten per cent of the said amount has been paid into some chartered bank in Canada the provisional directors shall call a general meeting of the shareholders at some place to be named in the municipality where the head office of the company is situated; 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 the shareholders' directors in the case of a life company, and the ordinary directors in the case of a company other than a life company, as set forth in the next following section.

5 (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-  
10 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. Calls on shares.

15 (7) The company shall not commence business until at least the amount of stock mentioned for that purpose in the special Act has been subscribed for nor until at least the sum named  
20 for that purpose in the said special Act has been paid in cash into the funds of the company to be appropriated only for the purposes of the company under the said special Act: Provided that stock upon which less than ten per cent has been paid in  
25 cash by the subscriber shall not be reckoned as part of the stock mentioned in the special Act as necessary to be subscribed, nor shall any sum paid by any shareholder upon the shares subscribed for by him which is less than ten per cent of the amount subscribed for by such shareholder be reckoned as part  
of the sum required to be paid thereon as in such special Act provided. Commencement of business.

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

35 (9) The company may cause itself to be re-insured against any risk undertaken by it, and may re-insure any other company carrying on the same class of business as this company against any risk undertaken by such other company. Re-insurance.

#### *Directors, their election, duties and powers.*

40 **146.** (a) There shall be in the case of life insurance companies having a capital stock, whether called by the name of capital stock, guarantee fund or any other name, two classes of directors, viz.: directors elected by the shareholders, hereinafter called shareholders' directors, and directors elected by the policyholders, hereinafter called the policyholders' directors; but in  
45 the case of companies other than life companies, having a capital stock, there shall be only one class of directors, namely: directors elected by the shareholders, hereinafter called ordinary directors. Two classes of directors.

Shareholders' directors.

(b) No person shall be elected a shareholders' director of a life company or an ordinary director of a company other than a life company, unless he is a shareholder owning shares in a capital stock or guarantee capital, as the case may be, absolutely in his own right and not in arrears in respect of any calls thereon and the majority of directors so elected shall at all times be persons resident in Canada and subjects of His Majesty by birth or naturalization. 5

Directors for other than life company.

(c) In the case of a company other than a life company there shall be elected at the first annual meeting and at each subsequent annual meeting a board of not less than nine nor more than fifteen directors, who shall hold office for one year but shall be eligible for re-election. 10

Directors of life company.

(d) In the case of a life company there shall be elected at the first and second annual meetings not less than five nor more than nine shareholders' directors, who shall hold office for one year but shall be eligible for re-election. 15

Number and composition of board of directors.

(e) Every life company shall, by by-law passed not less than three months prior to the holding of its third annual meeting after the issue of a license to it under this Act, determine the number of directors to be elected at said annual meeting by the shareholders and participating policyholders respectively, as herein provided, and the number of policyholders' directors so determined shall be at least one-third of the total number to be so elected. The company may, by the said by-law, provide that all the directors, of both classes, shall be elected for one, two or three years. If the by-law provides for a two years' or three years' term of office, it may also provide either, (a) that the term of office shall be continuous for all directors of both classes, or (b) that a certain proportion, not less than one-third of each class, shall retire annually. At the said annual meeting and each subsequent annual meeting there shall be elected a board as determined by by-law as aforesaid, but such board shall consist of not less than nine nor more than fifteen directors, all of whom shall be eligible for re-election. The shareholders' directors shall be elected by the shareholders and the policyholders' directors by the participating policyholders. 20 25 30 35

Manager may be a director.

(f) The manager of a company may be a director, but no agent or paid officer, other than the manager, shall be eligible to be elected as a director. The words "paid officer" in this paragraph do not include the president and vice-president, or the president and first vice-president if there is more than one vice-president elected under the provisions of paragraph (k) of this section. 40

Qualifications for shareholders' director.

(g) No person shall be eligible to become a shareholders' director of a life company or an ordinary director of any other company unless he holds in his own name and for his own use shares of the capital stock of the company to the amount of at least two thousand five hundred dollars and has paid in cash all calls due thereon and all liabilities incurred by him to the company. 45 50

- (h) At all general meetings of a company each shareholder present in person or represented by proxy who has paid in cash all calls due upon his shares and all liability incurred by him to the company shall have one vote for each share held by him. One vote for each share held
- 5 (i) In the case of a life company every person whose life is insured under a participating policy or participating policies of the company for two thousand dollars or upwards upon which no premiums are due, whether such person is a shareholder of the company or not, herein called a participating policyholder, shall be a member of the company and be entitled to attend and vote at all general meetings of the company; but participating policyholders, as such, shall not be entitled to vote for the election of shareholders' directors: Provided, however, that in case of liquidation of the company, the policyholder as such member shall not be entitled to share in the distribution of the assets or be liable to be placed on the list of contributories. Every holder of a participating policy or policies of the company for four thousand dollars or upwards, exclusive of bonus additions, upon which no premiums are due, who is not a shareholder, and who has paid premiums on such policy or policies for at least three full years shall be eligible for election as a policyholders' director. The policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters. Every holder of a participating policy for \$2,000 a member
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- 15
- 20
- (j) The election of directors shall be by ballot. Elections.
- (k) The directors shall elect from among themselves a president and one vice-president or more. President.
- (l) At all meetings of directors for the transaction of business a majority of the board shall be a quorum. Quorum.
- 30 (m) The company shall have a fixed time in each year for its annual meeting and such time shall be printed in prominent type on each renewal receipt issued by the company, and due notice also given at least fifteen days before in two or more daily newspapers published at or near the head office of the company. Notice of meetings.
- 35 (n) At the annual meeting no shareholder of a company other than a life company shall vote for more than the number of ordinary directors to be elected, and in the case of a life company no shareholder shall vote for more than the number of shareholders' directors to be elected, and no participating policyholder shall vote for more than the number of policyholders' directors to be elected. Voting.
- 40
- (o) Every proxy representing a shareholder must be himself a shareholder and entitled to vote, and an instrument of proxy shall not be valid unless executed within three months of the date of the meeting at which it is to be used, and unless filed with the secretary of the company at least ten days before such meeting, and shall be used only at such meeting or any adjournment thereof, and may be revoked at any time prior to such meeting. Proxies.  
Instrument of proxy.
- 45

Vacancies in board of directors.

(p) Vacancies occurring in the board of directors may be filled for the remainder of the term by the directors from among the qualified shareholders or policyholders as the case may be.

Failure to elect directors.

(q) If at any time an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. 5

Powers of directors.

**147.** The directors may, in all things, administer the affairs of the company, and may make or cause to be made for the company any description of contract which the company may, by law, enter into. 10

### *By-laws.*

By-laws.

**148.** The directors may make by-laws not contrary to law, or to the Special Act, or to this Act, for— 15

(a) the regulating of the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock; 20

Dividends.

(b) the declaration and payment of dividends;

Officers.

(c) the appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration; 25

Meetings.

(d) the time and place for the holding of the annual meeting of the company, the calling of meetings, regular and special of the directors and of the company, the requirements as to proxies, and the procedure in all things at such meetings; 30

Penalties.

(e) the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and,

Generally.

(f) the conduct, in all other particulars, of the affairs of the company.

Changing by-laws.

**149.** The directors may, from time to time, repeal, amend, or re-enact any such by-law: Provided that every such by-law, repeal, amendment or re-enactment unless in the meantime confirmed at a general meeting of the company duly called for that purpose shall only have force until the next annual meeting of the company and in default of confirmation thereof shall from the time of such default cease to have force or effect. 35 40

Confirmation necessary.

### *Capital Stock, Calls, and Increase of Capital.*

Stock to be personal estate.

**150.** The stock of the company shall be personal estate, and shall be transferable in such manner only, and subject to

such conditions and restrictions as are prescribed by this Part, or by the Special Act or the by-laws of the company.

**151.** If the Special Act makes no other definite provision, the stock of the company shall be allotted at such times and in 5 such manner as the directors, by by-law or otherwise, prescribe. Allotment of stock.

**152.** The directors of the company may call in and demand from the shareholders thereof respectively, all sums of money by them subscribed at such times and places and in such payments or instalments as the Special Act or this Act requires or 10 allows. Calls on stock.

2. Interest shall accrue and fall due at the rate of *five* per cent per annum, upon the amount of any unpaid call, from the day appointed for payment of such call. Interest on amount unpaid.

**153.** If, after such demand or notice as by the Special Act 15 or the by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such Special Act or by-laws is limited in that behalf, the directors, in their discretion, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily declare 20 forfeited any shares whereon such payment is not made. Forfeiture of shares for default in paying calls.

2. Such shares shall thereupon become the property of the company, and shall be disposed of as the directors by by-law or otherwise prescribe. Forfeited shares go to company.

**154.** No share shall be transferable, until all previous calls 25 thereon have been fully paid, or until it is declared forfeited for non-payment of a call or calls thereon. Restriction as to transfer.

**155.** No salary, compensation or emolument shall be paid to any director of a Canadian life insurance company for his services as such director unless authorized by a vote of the members in the case of a mutual company, and by a vote of the 30 shareholders and other members, if any, in the case of a company having capital stock. No salary, compensation or emolument shall be paid to any officer or trustee of any such company unless authorized by a vote of the directors, nor shall any salary, 35 compensation or emolument amounting in any year to more than five thousand dollars be paid to any agent or employee unless the contract under which such amount becomes payable has been approved by the board of directors. Salaries of directors and officers.

#### *Books of the Company.*

**156.** The company shall cause a book or books to be kept 40 by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded— Stock book to be kept containing.

(a) the names, alphabetically arranged, of all persons who are or have been shareholders; Names of shareholders.

Address and calling.	(b) the address and calling of every such person, while such shareholder;	
Number of shares.	(c) the number of shares of stock held by each shareholder;	
Amount paid in	(d) the amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;	5
Transfers of stock.	(e) all transfers of stock, in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and,	
Names, addresses and calling of directors.	(f) the names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director, and distinguishing in the case of a life company between shareholders' directors and policyholders' directors.	10

**157.** The directors may allow or refuse to allow the entry in any such book or books, of any transfer of stock whereof the whole amount has not been paid. 15

**158.** No transfer of stock, unless made by sale under execution or under the decree, order or judgment of a court of competent jurisdiction, shall be valid for any purpose whatsoever until entry thereof has been duly made in such book or books, except for the purpose of exhibiting the rights of the parties thereto towards each other, and of rendering the transferee liable, in the meantime, jointly and severally with the transferrer, to the company and its creditors. 20

**159.** Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives, and in the case of life companies of the participating policyholders, at the head office or chief place of business of the company, and every shareholder, creditor or personal representative and participating policyholder may make extracts therefrom. 25 30

*Offences and Penalties.*

**160.** Every director, officer or servant of the company who knowingly makes or assists in making any untrue entry in any book required by this Part to be kept by such company, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of an indictable offence, and liable to imprisonment for any term not exceeding two years. 35 40

**161.** Every company which neglects to keep open for inspection, as required by this Part, any book or books required by this Part to be kept by such company shall forfeit its corporate rights.

## Shareholders' Liability.

**162.** Every shareholder shall, until the whole amount of his stock has been paid up, be individually liable to the creditors of the company to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor until  
5 an execution against the company at the suit of such creditor has been returned unsatisfied in whole or in part.

Liability of shareholder to creditors.

2. The amount due on such execution, not exceeding the amount unpaid by the shareholder on his stock, shall be the amount recoverable with costs from such shareholder.

Limit of liability.

10 **163.** The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the amount of their respective  
15 shares in the capital stock thereof.

Limitation of liability of shareholders.

**164.** No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner  
20 and to the same extent as the testator, or intestate if living, or the minor, ward or interdicted person or the person interested in such trust fund if competent to act and holding such stock in his own name, would be liable.

Trustees not personally liable.

Estate liable.

2. No person holding stock in the company as collateral security shall be personally subject to liability as a shareholder; but the person pledging such stock shall be considered as holding  
25 the same and shall be liable as a shareholder accordingly.

Pledge or only liable.

## Meetings and Voting.

**165.** In the absence of other provisions in that behalf in the Special Act or in the by-laws of the company or in this Act, notice  
30 of the time and place for holding general meetings of the company shall be given at least ten days previously thereto, in some newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published  
35 nearest thereto.

Notice.

**166.** No shareholder who is in arrear in respect of any call shall vote at any meeting of the company.  
2. In the absence of other provisions, in manner aforesaid, every shareholder shall be entitled to as many votes at all  
40 general meetings of the company as he owns shares in the company, and may vote by proxy.

Arrears prevent voting.

One vote for each share.

Proxies.

Trustees and  
pledgers  
may vote as  
shareholders.

**167.** Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his possession in his fiduciary capacity at all meetings of the company, and may vote as a shareholder; and every person who pledges his stock may, notwithstanding such pledge, represent the said stock at all such meetings, and vote as a shareholder. 5

Special  
meetings  
may be  
called by  
shareholders.

**168.** Shareholders who hold one-fourth part in value of the subscribed stock of the company may at any time by written requisition signed by them call a special general meeting of the company for the transaction of any business specified in such requisition, and in the notice made and given for the purpose of calling such meeting. 10

#### *Contracts.*

Contracts by  
agents and  
officers.

**169.** Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company. 15

Affixing seal  
unnecessary.

2. In no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order. 20

Agent or  
officer not  
liable.

3. The person so acting as agent, officer or servant of the company, shall not be thereby subjected individually to any liability whatsoever to any third person therefor. 25

#### *Trusts.*

Company not  
liable as to  
execution of  
trusts

**170.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share.

Receipt of  
shareholders  
a discharge.

2. The receipt of the shareholder in whose name any share stands in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company. 30

Application  
of money.

3. The company shall not be bound to see to the application of the money paid upon such receipt. 35

#### *Liability of Directors.*

Liability of  
directors  
declaring and  
paying  
dividends  
when  
company is  
insolvent.

**171.** If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the company as to the individual shareholders 40

and creditors thereof, and, in the case of a life company, to the participating policyholders, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively: Provided that if any director  
5 present when such dividend is declared does forthwith, or if any director then absent does, within five days after he becomes aware of such dividend being declared and is able so to do, enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes  
10 such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, in the newspaper published nearest thereto, such director may thereby and not otherwise, exonerate himself from such liability.

Exoner-  
ation from  
liability.

15 **172.** Whenever entry is made in the company's book of any transfer of stock not fully paid up, to a person who is not apparently of sufficient means, the directors shall be jointly and severally liable to the shareholders and creditors of the company, and, in the case of a life company, to the participating policy-  
20 holders thereof, in the same manner and to the same extent as the transferring shareholder, except for such entry, would have been liable: Provided that if any director present when such entry is allowed does forthwith, or if any director then absent does within five days after he becomes aware of such entry, and  
25 is able so to do, enter on the minute book of the board of directors, his protest against such transfer, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no news-  
30 paper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability.

Liability of  
directors  
for transfer  
of shares.

Exoner-  
ation from  
liability.

35 **173.** If any loan is made by the company to any director or officer of the company in violation of the provisions of this Part, all directors and other officers of the company who make the same or assent thereto shall be jointly and severally liable to the company for the amount of such loan, and also to third persons to the extent of such loan, with lawful interest, for all debts of the company contracted from the time of the  
40 making of such loan to that of the repayment thereof.

Liability in  
case of loans  
by company  
to directors  
or officers.

45 **174.** The directors of the company shall be jointly and severally liable to the clerks and servants thereof, for all debts, not exceeding one year's wages, due for services performed for the company whilst they are such directors respectively: Pro-  
vided that no director shall be liable to an action therefor, unless the company is sued therefor within one year after the debt became due, nor unless such director is sued therefor

Liability of  
directors for  
wages  
unpaid.

Limitation  
as to time.

within one year from the time when he ceased to be such director, nor unless an execution against the company at the suit of such clerk or servant is returned unsatisfied in whole or in part.

Amount recoverable.

2. The amount unsatisfied on such execution shall be the amount recoverable with costs from the directors.

5

#### *Use of Funds.*

No loan to directors, or officers.

**175.** The company shall not loan any of its funds to any director or officer thereof, except that a life insurance company may lend to any director or officer thereof on the security of the company's own policies.

#### *Procedure.*

Enforcement of payments of calls.

**176.** The company may enforce payment of all calls and interest thereon, by action in any court of competent jurisdiction.

Form of action.

**177.** In such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted to the company in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number of calls and the amount of each call, whereby an action has accrued to the company under this Part.

Service of process on company.

**178.** Service of any process or notice upon the company may be made by leaving a copy thereof at the head office or chief place of business of the company, with any adult person in charge thereof, or elsewhere with the president or secretary of the company.

Constructive service.

2. If the company has no known office or chief place of business, and has no known president or secretary, the court may order such publication as it deems requisite to be made in the premises, for at least one month, in at least one newspaper, and such publication shall be deemed to be due service upon the company.

Publication.

Actions against shareholders.

**179.** Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Winding-up Act to apply

**180.** The company shall be subject to the provisions of any general Act for the winding-up of joint stock companies.

#### *Evidence.*

Evidence of by-laws.

**181.** A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts in Canada.

**182.** All books required by this Part to be kept by the secretary or by any other officer of the company charged with that duty shall, in any suit or proceeding be, as against the company or against any shareholder, *prima facie* evidence of all 5 facts purporting to be therein stated. Books of company *prima facie* evidence.

**183.** In any action by any company to enforce payment of any call or interest thereon, a certificate under the seal of the company and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, that the 10 call or calls have been made, to enforce payment of which or of any interest thereon such action has been brought, and that so much is due by him and unpaid thereon, shall be received in all courts as *prima facie* evidence. Proof of being a shareholder.

#### *Cost of Incorporation.*

**184.** The entire cost of procuring the incorporation and sub- 15 scriptions for stock shall be charged directly to the account of the shareholders and the amount thereof fixed by percentage on the capital stock or fixed in bulk and shown on the face of the form of the stock subscription contract, and shall not form a charge upon or be paid out of the paid-up capital nor from 20 the insurance funds, nor be in any way chargeable directly or indirectly against the policyholders. Cost of incorporation chargeable to shareholders.

#### *Declaration of Profits.*

**185.** In the case of life companies having a capital stock, whether called by the name of guarantee fund or any other name, the directors may from time to time set apart such portion of the 25 net profits as they shall deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources; and the holders of partici- 30 pating policies shall be entitled to share in that portion of the profits so set apart which has been distinguished as having been derived from participating policies, (including a share of the profits arising from the sale of securities in the proportion of the reserve on the participating policies to the total reserve), 35 to the extent of not less than ninety per cent thereof; and, before fixing or arriving at the amount of divisible profits, interest on the amount of unimpaired paid-up capital stock, but not including any premiums or bonuses paid thereon or in respect thereof which have been expended in the establishment, 40 prosecution or extension of the company's business or applied to making good any impairment of capital, and on any other sum or sums from time to time standing at the credit of the shareholders, may be allowed or credited to such shareholders Profits from participating policies.

at the average net rate of interest earned in the preceding year or other period under consideration upon the mean invested funds of the company, such shareholders to be however charged with a fair proportion of all losses incurred upon investments or other losses of a similar character.

5

Surrender  
of policy.

**186.** In the case of life companies, whenever any holder of a policy other than a term or natural premium policy has paid three or more annual premiums thereon or their equivalent half-yearly or quarterly premiums 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 occur, or extended insurance under the policy for a period proportionate to such cash surrender value. 10 15

Surrender  
value

To be  
inserted in  
policy .

2. The sums so ascertained and the duration for which insurance may be extended, based upon the assumption that the policy is not subject to any lien by way of loan or otherwise, shall be inserted in the policy and form a part of the contract between the company and the insured. 20

Liens.

3. In the event of the policy being subject to any such lien when default is made in payment of a premium as aforesaid, such lien shall be taken into account in fixing the cash surrender value and the paid-up or commuted policy herein referred to. 25

Policy to be  
continued  
in force.

4. Until the policyholder elects to accept such cash surrender value or such paid-up or commuted policy, such cash surrender value shall be applied by the company to maintain the policy in force at its full face value until the whole of the surrender value under the policy is exhausted. 30

## PART VI.

### PENALTIES FOR OFFENCES NOT OTHERWISE PROVIDED FOR.

Penalty.

**187.** Any company which, or person who, does, causes or permits to be done any matter, act or thing contrary to any provision of this Act, or to the orders or directions of the Governor in Council, or of the Minister, or of the Superintendent, made under this Act, or omits to do any matter, act or thing by this Act required to be done by or on the part of such company or person, shall, if no other penalty for such act or omission is provided in this Act, be liable for each such offence to a penalty of not less than twenty dollars and not more than five thousand dollars in the discretion of the court before which such penalty is recoverable. 35 40

2. Such company or person shall also, in addition to such penalty, be liable to any person injured by such matter, act or thing, or by such omission, for all damages sustained thereby. Liability for damages.

3. All such penalties shall be recoverable and enforceable, Recovery.  
5 with costs at the suit of His Majesty, instituted by the Attorney General of Canada, and shall when recovered be applied towards Application.  
payment of the expenses of the Department.

## PART VII.

### REPEAL.

**188.** *The Insurance Act*, chapter 34 of *The Revised Statutes*, 1906, except sections 49, 51, 52 and 71 thereof is hereby repealed Repeal.  
10 on the day of the passing of this Act.

2. The said sections 49, 51, 52 and 71 are hereby repealed on the first day of January, 1911.

3. All other Acts and parts of Acts passed by the Parliament of Canada which relate to companies within the legislative Exception.  
15 power of the said Parliament, and are inconsistent with the provisions of this Act, are hereby repealed on the day of the passing of this Act, except such as relate specifically to the following corporations, namely:—

- The Supreme Court of the Independent Order of Foresters;
- 20 The Grand Council of the Catholic Mutual Benefit Association of Canada;
- The Canadian Order of the Woodmen of the World.

SCHEDULE.

FORM A.

*This Statement is to be filled up and returned in Duplicate to this Office on or before 1st March, 19 .*

ANNUAL STATEMENT

FOR THE YEAR ENDING 31ST DECEMBER, 19 .

Of the condition and affairs of .....

President.....	Secretary.....
Principal Office.....	Agent.....
Incorporated.....	Commenced business in Canada.....
(date).....	(date).....

	\$	cts.
I.—CAPITAL.		
1. Amount of Joint Stock or Guarantee Capital authorized.....		
2. Amount subscribed for.....		
3. Amount paid up in cash.....		

LIST OF SHAREHOLDERS.

NAME.	RESIDENCE.	Amount Subscribed for.		Amount Paid up in cash.	
		\$	cts.	\$	cts.

(To be given in a separate schedule attached. If a list has been returned the previous year, it will be sufficient to indicate the additions or corrections thereto.)

LIST OF DIRECTORS.

As at.....19 . (Date of filing of Statement.)

\$

cts.

II.—ASSETS AS PER LEDGER ACCOUNTS.

1. Value of Real Estate (less encumbrances) held by the Company.....

(Detailed statement to be given in a separate schedule.)

2. Amount secured by way of loans on Real Estate, by bond or mortgage, first liens.....

3. The same, second liens.....

(Detailed statement of loans in 2 and 3 to be given in a separate schedule.)

4. Amount of loans secured by bonds, stocks or other marketable collaterals.....

(Par and market value of each such collateral and amount loaned thereon in a separate schedule.)

5. Amount of loans as above on which interest has been overdue for one year or more previous to statement (details in a separate schedule). \$.....

6. Amount of loans made to policyholders on the Company's policies assigned as collaterals.....

7. Premium obligations on the policies in force, the reserve on each policy being in excess of all indebtedness thereon.....

8. (a) Value in account of bonds, debentures and debenture stocks owned by the Company.....

(Details of par, ledger and market value, date of maturity and rate of interest of each kind to be given in a separate schedule.)

8. (b) Value in account of stocks owned by the Company (details to be given in a separate schedule).....

9. Cash at head office.....

10. Cash in banks (with details).....

11. Bills receivable.....

12. Agents' ledger balances.....

13. All other ledger assets (details in separate schedule).....

Total ledger assets.....

OTHER ASSETS.

14. \*Market value of stocks, bonds, debentures, &c., over value in account.

15. Due from other companies for losses or claims on the Company's policies reinsured.....

16. Interest due (with details)..... \$.....

" accrued (with details).....

Total carried out.....

17. Rents due..... \$.....

" accrued.....

Total carried out.....

18. Gross premiums due and uncollected on policies in force.....

Gross deferred premiums on same.....

Totals.....

Deduct commission at.....per cent on 'new' and.....per cent on 'renewals'.

Net amount of outstanding and deferred premiums.....

Total Assets.....

	New Premiums.	Renewals.
18. Gross premiums due and uncollected on policies in force.....	\$	\$
Gross deferred premiums on same.....		
Totals.....		
Deduct commission at.....per cent on 'new' and.....per cent on 'renewals'.		

\*If the total market value of any item of assets is less than the value in account a deduction should here be made.

	\$	cts.
<b>III.—LIABILITIES.</b>		
Amount computed or estimated upon the statutory basis, without regard to allowance permitted by sec. 42, sub-sec. 3, to cover the present value of all policies, reversionary additions, premium reductions, and annuities in force.....		
Additional reserves voluntarily maintained to bring the total reserves up to the net values by the.....table and.....per cent., (being the Company's voluntary basis of valuation).....		
Total.....		
Deduct value of policies reinsured.....		
Net reserve (particulars as in Detail I. A.).....		
Deduct amount of allowance permitted by sec. 42, subsec. 3 (the full statutory allowance being \$....., as shown in Detail I. B.).....		
Net reserve, less allowance.....		
2. Present value of amounts not yet due on matured instalment policies..		
3. Amount calculated, or otherwise ascertained, and reserved for apportionment to deferred dividend policies (particulars as called for by Detail 2).....		
4. Claims for death losses:		
(1) Due and unpaid.....\$.....		
(2) Adjusted but not due.....		
(3) Unadjusted but not resisted.....		
(4) Resisted—in suit.....		
" not in suit.....		
5. Claims for matured endowments:		
(1) Due and unpaid.....\$.....		
(2) Adjusted but not due.....		
(3) Unadjusted but not resisted.....		
(4) Resisted—in suit.....		
" not in suit.....		
(If any of the items in 4 and 5 accrued in previous years state the amounts.)		
6. (1) Due and unpaid annuity claims.....\$.....		
(2) Resisted—in suit.....		
" not in suit.....		
7. Surrender values claimable on policies cancelled whose reserves are not included in item 1.....		
8. Amount of dividends or bonuses to policyholders due and unpaid.....		
9. Amount of dividends to stockholders due and unpaid.....		
10. Due on account of office and other expenses.....		
11. Premiums paid in advance.....		
12. Due on account of loans.....		
13. Taxes due and accrued.....		
14. Balance of shareholders' account.....		
15. Amount of all other liability of the Company (with details).....		
16. Total liability.....		
17. Excess of assets over liabilities.....		
18. Capital stock paid up.....		
*19. Surplus above all liabilities and capital.....		

**SHAREHOLDERS' ACCOUNT.**

1. Balance of Shareholders' Account, 31st December, last year.....	\$
2. Interest added during the year.....	
3. Shareholders proportion of profits.....	
Total.....	\$
4. Amount of dividends paid during the year.....	\$
5. Shareholders' proportion of losses upon investments and other similar losses..	
Total.....	\$
6. Balance of Shareholders' Account at 31st December, this year.....	\$

\* Show separately the amount of surplus contingently apportioned to deferred dividend policies issued prior to January 1st, 1911.

	\$	cts.
IV.—INCOME DURING THE YEAR.		
1. Cash received for First Year Premiums.....	\$.....	
Less premiums paid for reinsurance.....		
Total net income from First Year's premiums.....	\$.....	
2. Cash received for renewal premiums.....	\$.....	
Renewal premiums paid by dividends.....		
Total.....	\$.....	
Less premiums paid for reinsurance.....		
Total net income from renewal premiums.....	\$.....	
3. Cash received for single premiums.....	\$.....	
Single premiums paid by dividends.....		
Total.....	\$.....	
Less single premiums paid for reinsurance.....		
Total net income from single premiums.....	\$.....	
4. Cash received for single premiums for life annuities....	\$.....	
Cash received for annual premiums for life annuities....		
Total.....	\$.....	
Less premiums paid for reinsurance.....		
Total net income from Life Annuity premiums.....	\$.....	
5. Total net premium income.....		
6. Gross Cash received for interest or dividends on stock, &c.....		
7. Net Cash received for rents.....		
*8. Net cash received as profit on securities actually sold.....		
9. Cash received by way of premium upon Capital Stock.....		
10. All other income ( <i>with details</i> ).....		
11. Total.....		
12. Cash received for calls on Capital.....	\$.....	
Cash received for increased Capital.....		
Total carried out.....		
13. Total cash income during the year.....		

\*If a net loss has been sustained upon securities sold, a deduction should here be made

V.—EXPENDITURE DURING THE YEAR.		\$	cts.
1. Cash paid for death losses (including bonus additions, \$.....)	\$.....		
Payments on matured instalment policies.....	.....		
Total.....	\$.....		
Deduct reinsured death claims.....	.....		
Net amount paid for death claims.....	.....		
2. Cash paid for matured endowments (including bonuses, \$.....)	\$.....		
Payments on matured instalment policies.....	.....		
Total.....	\$.....		
Deduct reinsured endowment claims.....	.....		
Net amount paid for endowment claims.....	.....		
3. Total amount paid for death claims and matured endowments.....			
<i>(If any of the items in 1 and 2 accrued in previous years state the amounts. Also state the amounts of any reversionary bonuses.)</i>			
4. Cash paid to annuitants.....	\$.....		
5. Cash (and premium obligations, &c.), paid for surrendered policies.....	.....		
6. Cash dividends paid to policyholders.....	.....		
Cash dividends applied in payment of premiums.....	.....		
Total carried out.....	.....		
7. Total amount paid to policyholders.....	.....		
8. Cash paid to stockholders for interest or dividends.....	.....		
9. Cash paid for taxes, licenses, fees or fines.....	.....		
10. Cash paid for investment expenses (with details).....	.....		
11. General expenses:			
Head Office salaries.....	.....		
Head Office travelling expenses.....	.....		
Directors' fees.....	.....		
Auditors' fees.....	.....		
Commissions, first year.....	.....		
Commissions, renewal.....	.....		
Commission advanced to agents.....	.....		
Agency salaries.....	.....		
Agency travelling expenses.....	.....		
Other agency expenses.....	.....		
Miscellaneous expenses in detail.....	.....		
Total expenditure.....	.....		

#### SYNOPSIS OF LEDGER ACCOUNTS.

1. Amount of net Ledger Assets, 31st December, last year.....	\$
2. Amount of cash income as per IV.....	\$
3. Amount of appreciation in ledger values of assets or items written up ( <i>with details</i> ).....	\$
Total.....	\$
4. Amount of expenditure as per V.....	\$
5. Amounts written off ledger assets not included in V. ( <i>with details</i> ).....	\$
Total.....	\$
6. Balance—net ledger assets, 31st December, this year.....	\$

In the following items instalment policies and policies with deferred payments should be entered at their commuted value.

\$

cts.

VI.—MISCELLANEOUS.

- 1. Number of new policies taken during the year and paid for in cash...
- 2. Amount of said policies.....
- 3. Amount of said policies reinsured in other licensed companies in Canada.....
- 4. Number of policies become claims (including matured endowments) during the year.....
- 5. Amount of said claims (including matured endowments). \$.....
- 6. Amount of above claims reinsured in other licensed companies in Canada.....
- Net amount carried out.....
- 7. Number of policies in force at date.....
- 8. Amount of said policies..... \$.....
- Bonus additions thereto.....
- Total..... \$.....
- 9. Amount of said policies reinsured in other licensed companies in Canada, including \$..... bonus additions.....
- 10. Net amount in force at (date).....
- 11. Number of Life Annuities in force at (date).....
- 12. Amount of annual payments thereunder..... \$.....

VII.—A. EXHIBIT OF POLICIES.

CLASSIFICATION.	1.—WHOLE LIFE POLICIES.		2.—ENDOWMENT POLICIES.		3.—ALL OTHER POLICIES.		4.—BONUS ADDITIONS.		5.—TOTAL NOS. AND AMOUNTS.	
	No.	Amount.	No.	Amount.	No.	Amount.	Amount.	No.	Amount.	
1. At the end of previous year.....		\$								\$
2. New policies issued.....										
3. Old policies revived.....										
4. Old, changed and increased.....										
Totals.....										
Deduct ceased:										
5. By death.....										
6. By maturity.....										
7. By expiry.....										
8. By surrender.....										
9. By lapse.....										
10. By change and decrease.....										
11. By not taken.....										
12 Total terminated.....										
13. Policies in force at end of year.....										
14. Policies re-insured.....										

NOTE.—Instalment policies should be entered and deducted in the above Exhibit of Policies for the commuted value of instalments only. An exhibit similar to the above, is to be furnished for industrial policies.

VII.—B. EXHIBIT OF ANNUITIES.

CLASSIFICATION.	1.—LIFE ANNUITIES PROPER.		2.—LIFE ANNUITIES ARISING OUT OF LIFE ASSURANCE CONTRACTS.	
	No.	Annual Payments.	No.	Annual Payments.
1. At the end of previous year.....				
2. New annuities.....		\$		\$
Totals.....				
Deduct ceased				
3. By death.....				
4. By expiry.....				
5. By.....				
6. Total terminated.....				
7. In force at end of (at.....)				

LIABILITIES, ITEM I.—

DETAIL 1.

A.—STATEMENT OF ACTUARIAL LIABILITIES OF THE ..... COMPANY.

1. Whole Life Assurances in force:—

(a) With Profit Assurances:

	No. of Policies in Force.	Amount in Force.	Value.
Gross number and amounts . . . . .	.....	\$.....	\$.....
Less re-insured.....	.....	.....	.....
	<hr/>	<hr/>	<hr/>
Net number and amounts.....	.....	\$.....	\$.....

(b) Without Profit Assurances: (as above).

2. Endowment Assurances in Force: (a and b as above).

3. Temporary and other remaining Assurances in Force: (a and b as above).

4. (a) Bonus Additions:

	Amount of Bonus additions.	Value.
	\$.....	\$.....

(b) Premium Reductions:

	Amount per Annum.	Value.
	\$.....	\$.....

5. Life Annuities arising out of Life Assurance Contracts:—

	No.	Yearly Amount Payable.	Value.
	.....	\$.....	\$.....

6. Life Annuities Proper:—

	No.	Yearly Amount Payable.	Value.
	.....	\$.....	\$.....

(The gross, reinsured and net figures should be set forth under each head, as indicated in 1 (a). Basis of valuation for each class of business to be clearly stated).

B.—STATEMENT SHOWING PARTICULARS OF POLICIES SUBJECT TO A NET PREMIUM EQUAL TO, OR GREATER THAN THE CORRESPONDING WHOLE LIFE PREMIUM. (For purposes of this return, all policies of the same average duration, falling within the above mentioned category may be combined, irrespective of plan).

POLICIES IN FORCE AT DATE OF RETURN, ISSUED DURING THE YEAR ENDED.....19.., AVERAGE DURATION, ONE-HALF YEAR.

(1.) Age of Issue.	(2.) Amount of Policies.	(3.) Statutory reduction of O <sup>m</sup> (5) 3½ p.c. net reserve (upon amts. in column 2.)
.....	.....	.....
.....	.....	.....
.....	.....	.....
(Columns (2) and (3) to be summed.)		

(Similar tables showing particulars of policies of which the average durations at the date of return are 1½, 2½ and 3½ years, respectively, must be furnished.)

DETAIL 2.

1. Give separately the amounts held to the credit of deferred dividend policies, together with the amount of insurance in force, in accordance with the requirements below specified:

AMOUNT AWAITING DISTRIBUTION.

Year of Issue.	DEFERRED DIVIDEND PERIOD.			
	5 Years.	10 Years.	15 Years.	20 Years.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

A similar form is to be used with respect to deferred dividend policies issued subsequent to January 1, 1911.

### DETAIL 3.

#### STATEMENT of the Life Insurance and Annuity Business of the.....Company.

1. Set forth the Office Premiums in Force, at the date of this return, at age 20, and at every fifth age thereafter, for each class of insurance and annuity business transacted, distinguishing between *With* and *Without Profit Sections*.

2. Statement respecting profits paid:—

(a) Rates of annual dividends declared during the year, for ages of entry 25, 35, 45 and 55, and for all durations under each class of insurance;

(b) Rates of dividend declared, at the last previous allotment, upon policies to which profits are distributed at intervals other than yearly, being policies other than upon the deferred dividend plan, specifying age, duration and class as above;

(c) Rates of dividend declared upon deferred dividend policies which completed their dividend period during the year, specifying age, duration, and class as above.

*(All three to be accompanied by a definite statement of the method by which such dividends or amounts have been computed.)*

## DETAIL 4.

### *Miscellaneous Statement.*

1. Were the policies and annuities valued individually or in groups?
2. How was the valuation age determined (a) for assurances? (b) for annuities?
3. How were the following classes of policies valued?—
  - (a) Policies issued on lives resident in tropical or sub-tropical countries at rates of premiums greater than the regular Canadian rates;
  - (b) Policies issued at premiums corresponding to ages higher than the true ages;
  - (c) Policies providing for payments at death during certain periods of an amount less than the full amount of insurance;
  - (d) Policies issued at a fixed extra premium, whether payable in one sum or annually.
4. State what provision is made under tropical and sub-tropical policies as regards—
  - (a) surrender values;
  - (b) the surplus credited or allotted to such policies.
5. What reserve, if any, is held under limited and single premium policies on account of prepaid or limited loadings?
6. State the general method or principle upon which surplus is distributed as between shareholders and policyholders.
7. State the average rate of interest at which the funds were invested during the year, giving an explanation of how such average rate was computed.

FORM A. 1.

SCHEDULE SHOWING MOVEMENT OF SECURITIES FOR THE SIX MONTHS BEGINNING 1ST DAY OF . . . 19 , AND ENDING . . .  
DAY OF . . . 19 .

(a) BONDS, STOCKS, AND DEBENTURES PURCHASED.

Description of each kind of Bond, &c.	From whom Purchased.	When Purchased.	Commission paid (if any).	Rate of Interest.	Date of Issue.	Date of Maturity.	Par Value.	Price paid

(b) REAL ESTATE PURCHASED.

Description and Location of Property.	From whom purchased.	Date of purchase or of acquisition.	Commission paid (if any).	Price paid, or value at which transferred to Real Estate ac., each parcel separately.



(f)

REAL ESTATE SOLD.

Short Description of Property.	To whom sold.	Date of purchase, or of acquisition.	Commission paid (if any).	Price paid therefor, or at which carried to Real Estate account.	Value in Account.	Price received for each parcel.

(g)

COLLATERAL LOANS REPAYED.

Description of Collateral released.	By whom paid.	VALUE OF SECURITY RELEASED.		Amount repaid
		Par Value.	Market value.	

(h) [The Total Amount of Principal Moneys received upon Mortgages, or Consideration for Mortgages sold during the half year must be given; and, also, separately, the Total Amount of Policy Loans Repaid.]

FORM B.

*This Statement is to be filled up and returned in Duplicate to this Office on or before 1st March, 19 .*

ANNUAL STATEMENT

FOR THE YEAR ENDING 31ST DECEMBER, 19 .

Of the condition and affairs of.....

President.....	Secretary.....
Principal Office.....	Agent.....
Organized or incorporated: (date).....	Commenced business in Canada: (date).....

	\$	cts.
I.—CAPITAL.		
1. Amount of Joint Stock or Guarantee Capital authorized.....		
2. Amount subscribed for.....		
3. Amount paid up in cash.....		

LIST OF STOCKHOLDERS.

*As at 31st December, 19 .*

NAME.	RESIDENCE.	Amount Subscribed for.		Amount Paid up in cash	
		\$	cts.	\$	cts

(To be given in a separate schedule attached. If a list has been returned the previous year, it will be sufficient to indicate the additions or corrections thereto.)

LIST OF DIRECTORS.

As at.....19 . (Date of filing of Statement.)

\$

cts.

II.—ASSETS AS PER LEDGER ACCOUNTS.

1. Value of Real Estate (less encumbrances) held by the Company.....

(Detailed statement to be given in a separate schedule.)

2. Amount secured by way of loans on Real Estate, by bond or mortgage, first liens.....

3. The same, second liens.....

(Detailed statement of loans in 2 and 3 to be given in a separate schedule.)

4. Amount of loans secured by bonds, stocks or other marketable collaterals.....

(Par and market value of each such collateral and amount loaned thereon in a separate schedule.)

5. Amount of loans as above on which interest has been overdue for one year or more previous to statement (details in a separate schedule).

6. Value in account of bonds, debentures and debenture stocks owned by the Company.....

(Details of par, ledger and market value, date of maturity and rate of interest of each kind to be given in a separate schedule.)

7. Value in account of stocks owned by the Company (details to be given, in a separate schedule).....

8. Cash at head office.....

9. Cash in banks (with details).....

10. All other ledger assets (details in separate schedule).....

Total ledger assets.....

OTHER ASSETS.

11. \*Market value of stocks, bonds, debentures, &c., over value in account.

12. Interest due (with details).....\$.....

“ accrued (with details).....

Total carried out.....

13. Rents due.....\$.....

“ accrued.....

Total carried out.....

14. Agents' Balances and premiums uncollected.....

15. Bills receivable held by the Company.....

Amount of same overdue.....\$.....

16. Amount of premium notes on hand on which policies are issued.....

\$.....

Deduct amount paid thereon.....

And deduct amount assessed thereon remaining unpaid.....

Balance carried out.....

17. Total assessments on Premium notes.....\$.....

Deduct amount paid thereon.....

Balance carried out.....

18. Amount of assessment on Stock notes.....\$.....

Deduct amount paid thereon.....

Balance carried out.....

19. All other property belonging to the Company, with a detail thereof in a separate schedule.....

\* If the total market value of any item of assets is less than the value in account, a deduction should here be made.

	\$	cts.
20. Gross amount of all the Assets of the Company.....		
21. Amount which should be deducted from the above Assets on account of bad and doubtful debts and securities, viz:—		
From item No....\$.....; No....\$.....;		
No....\$.....; No....\$.....; No....		
\$.....; No....\$.....		
Total deductions.....		
22. Aggregate amount of all the Assets of the Company, stated at their actual value.....		
NOTE ON ITEMS (6) and (7). If any of these Stocks have any lien upon them for the benefit of any particular class of Policyholders, or if they are deposited with the Government of any State or Country, the fact must be specially stated.		
III.—LIABILITIES.		
(1) LIABILITIES IN CANADA.		
(1) For Fire Losses in Canada.		
1. *Net amount of Losses due and yet unpaid.....		
2. (1) " " adjusted but not due.....		
(2) " " claimed but not adjusted.....		
(3) " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Fire losses in Canada.....		
(2) For Inland Navigation Losses in Canada.		
1. *Net amount of losses in Canada due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted.....		
(3) " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Inland Navigation losses in Canada.....		
(3) For Marine (Ocean) Losses in Canada.		
1. *Net amount of losses in Canada due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted.....		
(3) " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Marine (Ocean) losses in Canada.....		
5. Total net amount as above of unsettled claims for Fire, Inland Naviga- tion and Marine (Ocean) losses in Canada.....		

\* After deducting reinsurance and salvage.  
† If any of these accrued previous to 19 , state the amounts.

	\$	cts.
6. †Gross Premiums received and receivable upon all unexpired (not re-insured) Fire risks in Canada, \$.....		
Reserve of Unearned Premiums thereon <i>pro rata</i> for the period unexpired, \$.....		
7. Gross Premiums received and receivable upon all unexpired (not re-insured) Inland Navigation risks, \$.....		
Reserve of Unearned Premiums thereon at 50 per cent, \$.....		
8. Gross Premiums received and receivable upon all unexpired (not re-insured) Marine (Ocean) risks, \$.....		
Reserve of Unearned Premiums thereon at 100 per cent, \$.....		
9. Total reserve as above of Unearned Premiums for all outstanding risks in Canada.....		
10. (1) Dividends declared and due, and remaining unpaid.....		
(2) " " but not yet due.....		
11. Due and accrued for salaries, rent, advertising, agency and other miscellaneous expenses.....		
12. (1) Amount of money borrowed, stating amount of each loan separately, the security given therefor, and the rate of interest payable ..		
(Details to be given in separate schedule.)		
(2) Interest thereon due and unpaid.....		
(3) " " accrued but not yet due.....		
13. Amount of all other claims against the Company, with a detailed statement thereof.....		
14. Total amount of all Liabilities in Canada except Capital Stock.....		
(2) LIABILITIES IN OTHER COUNTRIES.		
(1) For Fire Losses in other Countries.		
1. *Net amount of Losses due and yet unpaid.....		
2. (1) " " adjusted but not due.....		
(2) " " claimed but not adjusted.....		
(3) " " reported or supposed, but not claimed.....		
3. *Net amount of Losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Fire Losses.....		
(2) For Inland Navigation Losses in other Countries.		
1. *Net amount of losses in other countries due and yet unpaid.....		
2. (1) " " " " adjusted but not due.....		
(2) " " " " claimed but not adjusted....		
(3) " " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Inland Navigation losses..		

\* After deducting reinsurance and salvage.

† If any of these accrued previous to 19 , state the amounts.

‡ In cases where the actual amounts to be reserved of the individual Premiums *pro rata* for the time unexpired have not been calculated, the following approximations may be used:  
For the total of unexpired policies whose original term was one year or less, reserve one-half of the Gross Premiums.

For the totals of two-year-term policies: unexpired period being one year or less, reserve one-fourth; and unexpired period being more than one year, reserve three-fourths.

For the totals of three-year-term policies: unexpired term being one year or less, reserve one-sixth; unexpired period being more than one year but not more than two years, reserve one-half; unexpired period being more than two years, reserve five-sixths.

Other term policies *pro rata*.

(Detailed statement to be given in schedule on opposite page.)

	\$	cts.
(3) For Marine (Ocean) Losses in other Countries.		
1. *Net amount of losses in other countries due and yet unpaid.....		
2. (1) " " " adjusted but not due.....		
(2) " " " claimed but not adjusted....		
(3) " " " reported or supposed, but not claimed.....		
3. *Net amount of losses resisted, viz.:		
In suit.....		
Not in suit.....		
4. †Total net amount of unsettled claims for Marine (Ocean) Losses in other countries.....		
5. Total net amount as above of unsettled claims for Fire, Inland Naviga- tion and Marine (Ocean) losses in other countries.....		
6. Gross premiums received and receivable upon all unexpired Fire risks (not reinsured), \$.....		
Reserve of unearned premiums thereon <i>pro rata</i> for the period unex- pired, \$.....		
7. Gross Premiums received and receivable upon all unexpired (not rein- sured) Inland Navigation risks, \$.....		
Reserve of unearned premiums thereon at 50 per cent, \$.....		
8. Gross Premiums received and receivable upon all unexpired (not rein- sured) Marine (Ocean) risks, \$.....		
Reserve of unearned premiums thereon at 100 per cent, \$.....		
9. Total reserve as above of unearned premiums for all outstanding risks.		
10. Due and accrued for salaries, rent, advertising, agency and other mis- cellaneous expenses.....		
11. (1) Amount of money borrowed, stating amount of each loan separ- ately, the security given therefor, and the rate of interest payable.		
(Detailed statement to be given in a separate schedule.)		
(2) Interest thereon due and unpaid.....		
(3) " " accrued but not due.....		
12. Amount of all other claims against the Company (with a detailed state- ment thereof).....		
13. Total amount of all Liabilities in other countries.....		
14. Total amount of Liabilities in all countries except Capital Stock.....		
15. Capital Stock paid up in cash and notes.....		
16. Surplus (if any) beyond all Liabilities and Capital Stock paid up.....		

\* After deducting reinsurance and salvage.

† If any of these accrued previous to 19 , state the amounts.

RECAPITULATION OF FIRE RISKS AND PREMIUMS IN FORCE IN CANADA.

Year Written.	TERM.	Gross Amount in Force.	Gross Premiums thereon.	*Amount Reinsured.	*Gross Premiums thereon.	Net Amount in Force.	Gross Premiums thereon.	Fraction Unearned.	Reserve of Unearned Premiums.
19	One year or less.....	\$	\$	\$	\$	\$	\$		\$
19	Two years.....								
19	Two years.....								
19	Three years.....								
19	Three years.....								
19	Three years.....								
Totals..									

\* Reinsurances in licensed companies only to be deducted.

RECAPITULATION OF FIRE RISKS AND PREMIUMS IN FORCE IN OTHER COUNTRIES.

Year Written.	TERM.	Gross Amount in Force.	Gross Premiums thereon.	Amount Reinsured.	Gross Premiums thereon.	Net Amount in Force.	Gross Premiums thereon.	Fraction Unearned.	Reserve of Unearned Premiums.
19	One year or less.....	\$	\$ cts.	\$	\$ cts.	\$	\$ cts.		\$ cts.
19	Two years.....								
19	Three years.....								
19	Three years.....								
19	Three years.....								
	Totals..								

*Fire risks in Canada.*

PROVINCE.	Net Premiums received.	Net Losses paid.
Ontario.....		
Quebec.....		
Nova Scotia.....		
New Brunswick.....		
Prince Edward Island.....		
Manitoba.....		
British Columbia.....		
Alberta.....		
Saskatchewan.....		
Totals.....		

STATEMENT OF REINSURANCE OF CANADIAN BUSINESS IN COMPANIES NOT LICENSED UNDER THE INSURANCE ACT.

	\$	cts.
(1) <i>Fire risks in Canada.</i>		
1. Amount of reinsurance premiums in unlicensed companies.....		
2. Amount of commission thereon.....		
3. Amount of losses recovered from said companies.....		
(2) <i>Inland Marine risks in Canada.</i>		
1. Amount of reinsurance premiums in unlicensed companies.....		
2. Amount of commission thereon.....		
3. Amount of losses recovered from said companies.....		

IV.—INCOME.

	IN CANADA.		IN OTHER COUNTRIES.	
	\$	cts.	\$	cts.
(1) <i>For Fire Risks.</i>				
1. Gross Premiums unpaid or in the hands of agents 31st December, last year.....				
2. Gross Premiums written or renewed during the year.....				
3. Total.....				
4. Deduct Gross Premiums unpaid or in hands of agents 31st December, this year.....				
5. Gross cash received for Fire Premiums.....				
*6. Deduct reinsurance, rebate, abatement and return Premiums.....				
7. Total net cash received during year for fire Premiums.....				
(2) <i>For Inland Navigation Risks.</i>				
1. Gross Premiums unpaid or in the hands of agents 31st December, last year.....				
2. Gross Premiums written or renewed during the year.....				
3. Total.....				
4. Deduct Gross Premiums unpaid or in hands of agents, 31st December, this year.....				

IV.—INCOME—Concluded.

	IN CANADA.		IN OTHER COUNTRIES.	
	\$	cts.	\$	cts.
5. Gross cash received for I. N. Premiums.....				
*6. Deduct reinsurance, rebate, abatement and return Premiums.....				
7. Total net cash received during year for I. N. Premiums.....				
<i>(3) For Marine (Ocean) Risks.</i>				
1. Gross Premiums unpaid or in the hands of agents 31st December, last year.....				
2. Gross Premiums written or renewed during the year.....				
3. Total.....				
4. Deduct Gross Premiums unpaid or in hands of agents 31st December, this year.....				
5. Gross cash received for Ocean Premiums.....				
*6. Deduct reinsurance, rebate, abatement and return Premiums.....				
7. Total net cash received during year for Ocean Premiums.....				
8. Total net cash actually received for Premiums in all Countries.....				
9. Received for Interest and Dividends on Stocks, Bonds, &c.....				
10. " Rents.....				
11. Income received from all other sources.....				
<i>(Detailed statement in a separate schedule.)</i>				
12. Received for calls on Capital.....\$.....				
* increased Capital.....				
Total carried out.....				
13. Aggregate amount of Income actually received during the year in cash.				

\* For business in Canada, reinsurances in licensed companies only to be deducted.

V.—EXPENDITURE.

	IN CANADA.		IN OTHER COUNTRIES.	
	\$	cts.	\$	cts.
(1) For Fire Risks.				
1. Amount paid during the year for losses occurring in previous years (which losses were estimated in the last statement at \$..... net).....				
2. Deduct savings and salvage.....\$..... †Also amount received for reinsurances from other Companies..				
Total deductions (carried out)....				
Net amount paid during the year for said losses.				
3. Amount paid for losses occurring during the year				
4. Deduct savings and salvage.....\$..... †Also amount received for reinsurances from other Companies..				
Total deductions (carried out)....				
Net amount paid during the year for said losses.				
5. Total net amount paid during the year for Fire losses.....				
(2) For Inland Navigation Risks.				
1. Amount paid during the year for losses occurring in previous years (which losses were estimated in the last statement at \$..... net).....				
2. Deduct savings and salvage.....\$..... †Also amount received for reinsurances from other Companies..				
Total deductions (carried out)....				
Net amount paid during the year for said losses.				
3. Amount paid for losses occurring during the year				
4. Deduct savings and salvage.....\$..... †Also amount received for reinsurances from other Companies..				
Total deductions (carried out)....				
Net amount paid during the year for said losses.				
5. Total net amount paid during the year for Inland Navigation losses.....				
			\$	cts.
6. Total net amount paid during the year for Fire and Inland Navigation losses.....				
*7. Total net amount paid during the year for Marine (Ocean) losses, viz.: in Canada, \$.....; in other countries, \$..... Total.....				
8. Amount of dividends paid during the year, at.....(rate)....				
9. Paid or allowed for Commission or Brokerage.....				
10. Paid for Salaries, Fees and all other charges of officials.....				
11. Paid for Taxes.....				
12. All other payments and expenditures .....				
(Detailed statement to be given in a separate schedule.)				
13. Aggregate amount of actual Expenditure in Cash.....				

\* If any of these accrued in previous years, state the amounts.

† For business in Canada, reinsurances in licensed companies only to be deducted

SYNOPSIS OF LEDGER ACCOUNTS.

	\$	cts.
1. Amount of net Ledger Assets 31st December, last year.....		
2. Amount of cash income as per IV.....		
3. Amount of appreciation in ledger values of assets or items written up (with details).....		
Total.....		
4. Amount of expenditure as per V.....		
5. Amount written off ledger assets not included in V (with details).....		
Total.....		
6. Balance, net ledger assets 31st December, this year.....		

VI.—MISCELLANEOUS.

RECAPITULATION of Fire Risks and Premiums Written or Renewed during  
the Year 19 .

(1) *In Canada.*

Expiring in Year.	Term.	Gross amount written.	Premiums thereon
19	Less than one year.....		
19	One year or less.....		
19	Two years.....		
19	Three years.....		
	Totals.....		

(2) *In Other Countries.*

Expiring in Year.	Term.	Gross amount written.	Premiums thereon
19	Less than one year.....		
19	One year or less.....		
19	Two years.....		
19	Three years.....		
19	Four years.....		
19	Five years.....		
	Totals.....		



VI.—MISCELLANEOUS.—RISKS AND PREMIUMS—Concluded.

	IN CANADA.			IN OTHER COUNTRIES.			TOTAL IN ALL COUNTRIES.		
	No.	Amount.	Premiums.	No.	Amount.	Premiums.	No.	Amount.	Premiums.
		\$	\$		\$	\$		\$	\$
(3) <i>Marine (Ocean) Risks.</i>									
1 Policies in force (gross) at date of last statement.....									
2 Taken during the year.....									
3 Total.....									
4 Deduct terminated.....									
5 Gross in force at end of year.....									
*6 Deduct reinsured.....									
7 Net in force at (date).....									

Total No. of Policies in force at date.....; Total net amount in force, \$.....; Total premiums thereon, \$.....

\* For business in Canada, reinsurances in licensed companies only to be deducted.



BONDS AND DEBENTURES OWNED BY THE COMPANY

Description.	Date of Maturity.	INTEREST.		Par Value.	Book Value.	Market Value.	Interest due.	Interest Accrued.
		Rate	How Payable.					
				\$	\$	\$	\$	\$
				cts.	cts.	cts.	cts.	cts.

STOCKS OWNED BY THE COMPANY.

Description.	No. of Shares.	Rate of Dividend in each of last Three Years.	Par Value.	Book Value.	Rate used to obtain Market Value.	Market Value.
			cts.	cts.	cts.	cts.

FORM C.

FORM OF DECLARATION TO ACCOMPANY THE STATEMENT.

Province of  
County of

}

President, and

Secretary of

Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the \_\_\_\_\_ day of \_\_\_\_\_ last all the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company on the said \_\_\_\_\_ day of \_\_\_\_\_ last, and for the year ending on that day, according to the best of their information, knowledge and belief, respectively, and they declare that no change or amendment has been made in the Charter, Act of Incorporation, or Articles of Association of the Company, and no change in the Chief Agency or Chief Agent, without the Superintendent having been duly notified of such change or amendment.

*Signatures.*

Subscribed and sworn }  
to before me this... day }  
of.....A.D. 19 . }

FORM C1.

VERIFYING HALF YEARLY STATEMENT.

Province of  
County of

}

President, and

Secretary of

Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that according to the best of their knowledge, information and belief the foregoing statement correctly sets forth the information required by the schedule shown in Form A1 hereof, with full and accurate particulars in each case as called for by the said statement during the six months commencing the first day of..... 19.... and ending the.....day of.....19....

Signatures.

Subscribed and sworn to }  
before me, at the..... }  
..... of ..... }  
in the county of..... }  
this....day of.....19 . }

NOTE.—In the case of the half yearly statement required of Trustees, the above form applies with such changes only as are necessary.

FORM D.

In the matter of the (here insert name of the company). Notice is hereby given that the Minister of Finance has, pursuant to the one hundred and fourth and one hundred and fifth sections of *The Insurance Act, 1910*, directed assets to be retained, sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus additions and accrued profits) which have not been transferred or surrendered or in respect of which opposition has been filed as provided by the said one hundred and fourth section; and the assets so retained are hereby tendered to the aforesaid policyholders *pro rata* according to the aforesaid values of their respective policies. A list of such policyholders and of the amounts tendered to them respectively is hereinunder given, and notice is hereby given that any policyholder not signifying in writing to the Superintendent of Insurance his acceptance of the amount hereby tendered to him on or before the day of , A.D. 19 , shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

LIST of policyholders and amounts tendered.

Name.	Address, so far as known.	Amount and Number of Policies.	Amount. Tendered.
-------	---------------------------	--------------------------------	-------------------

Dated at Ottawa, this day of , A.D. 19 .

(Signed)

Minister of Finance,  
Canada.

(Signed)

Superintendent of Insurance.

FORM E.

OFFICE OF THE SUPERINTENDENT OF INSURANCE.  
DEPARTMENT OF FINANCE,  
OTTAWA, 19 .

In the matter of the *(here insert the name of the company).*

You are hereby notified that the Minister of Finance has, pursuant to the one hundred and fourth section of *The Insurance Act, 1910*, directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above company, including bonus additions and accrued profits, which have not been transferred or surrendered or in respect to which opposition has been filed as provided by the said one hundred and fourth section. The assets so retained are tendered to the aforesaid policyholders *pro rata* according to the aforesaid values of their respective policies.

The amount hereby tendered to you, and the policy or policies in respect of which the same is tendered, are given below, and you are hereby notified that unless on or before the day of \_\_\_\_\_ A.D. 19\_\_\_\_, you signify in writing to the Superintendent of Insurance your acceptance of the amount hereby tendered, you shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

Yours, &c.,

(Signed)

*Superintendent of Insurance.*

Name.	Number and Amount of Policy.	Amount Tendered

MODEL BILL.

FOR INCORPORATION OF INSURANCE COMPANY.

An Act to incorporate the (*state the name of the Company*).

**W**HEREAS 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:—

**1.** (*Insert names of the persons applying for incorporation*) together with such persons as become shareholders in the company, are incorporated under the name of (*state name of company*), hereinafter called "the Company."

**2.** The persons named in section 1 of this Act (*or as the case may be*) shall be the provisional directors of the Company. (*The name, address and addition of each director must be given.*)

**3.** The capital stock of the Company shall be..... dollars, which may be increased to.....dollars.

**4.** The amount to be subscribed before the general meeting for the election of directors is called shall be..... dollars.

**5.** The Company shall not commence business until..... dollars of the capital stock have been subscribed and.....dollars paid thereon.

**6.** The head office of the Company shall be in the..... of ....., in the province of.....

**7.** The Company may make contracts of insurance (*state particulars of the kinds of insurance intended to be carried on*).

**8.** *The Insurance Act, 1910*, shall apply to the Company.

FORM G.

POLICY LOAN AGREEMENT.

This agreement made this.....day of.....19.. between..... of....., hereinafter called "the Company," of the first part, and..... hereinafter called "the Borrower," of the second part.

Whereas the Company has this day made a loan to the Borrower of.....dollars (the receipt of which is hereby acknowledged), upon the security of Policy No..... issued by the Company, and its accumulations, or of any paid-up policy or other policy that may be issued in lieu thereof, now this agreement witnesseth that the said parties, in consideration of the premises, hereby agree as follows:—

1. Interest at the rate of..... per cent per annum shall be paid by the Borrower upon the said loan at the head office of the Company in....., Canada, upon the.....day of.....; the first payment of interest to be made on the.....day of.....19..; Provided, however, that any overdue interest shall, until paid, bear interest at the rate aforesaid.

2. In the event of default in payment of the said interest or of any premium on the said policy, the said policy shall, if the accumulated indebtedness, together with such premium and interest, is equal to or exceeds the cash surrender value of the policy, be deemed to be and shall be in fact surrendered to the Company.

3. In the settlement of any claim or any benefit under the said policy before the said loan with accrued interest have been fully paid, the Company shall be liable for the return of the balance only of the proceeds of the said claim or of the said benefit after deducting the said loan and accrued interest and any other indebtedness to the Company.

4. All the conditions, provisions, limitations and requirements of the said policy, except as herein expressly modified, shall remain in full force.

5. The Borrower has deposited the said policy with the Company as security for the said loan in the terms of this agreement, and covenants and agrees with the Company to abide by and perform all and singular the stipulations, conditions, provisions, limitations and agreements contained in this agreement and in the said policy.

6. Any other policy issued by the Company in substitution of the said Policy No..... shall be deposited with the Company and be retained by the Company as security for the said loan on the terms of this agreement.

7. The Borrower may repay the said loan with accrued interest at any time, and on payment as aforesaid of the said

loan with accrued interest and all other indebtedness in respect of the said policy the Company will return the said policy and this agreement shall be deemed to be cancelled.

The Borrower hereby certif that.....over the age of twenty-one years.

In witness whereof the Borrower ha hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of

.....

*Name of Witness.*

.....

*Address of Witness.*

.....

*Occupation of Witness.*

.....

..... (L.S.)..  
*Beneficiary sign here.*

.....

..... (L.S.)  
*Assured sign here.*

[An affidavit of the due execution by all proper parties to the loan agreement may be required by the Company.]



2nd Session, 11th Parliament, 9 Edward VII., 1909.

## THE SENATE OF CANADA.

### BILL B.

An Act to amend The Act respecting the Protection of  
Navigable Waters.

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

1. *The Navigable Waters Protection Act*, Chapter 115 of *The Revised Statutes, 1906*, is hereby amended by inserting the following section immediately after section 19 thereof:—

“19A. No person shall throw or deposit, or cause or permit to be thrown or deposited, any sewage, offal, or refuse animal or vegetable matter of any kind whatsoever, into any river, stream or other water, any part of which is navigable or which flows into any navigable water.”

R.S., 1906,  
c. 115.  
New section.

Prohibition  
of deposit,  
&c., of  
sewage,  
offal, &c., in  
navigable  
water.

2nd Session, 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL

B

An Act to amend The Act respecting the  
Protection of Navigable Waters.

Received and read a first time,

Thursday, 25th November, 1909.

Second reading,

Wednesday, 1st December, 1909.

Honourable Mr. BELCOURT.

OTTAWA

Printed by C. H. PARRETT

Printer to the King's most Excellent Majesty

1909-10

2nd Session, 11th Parliament, 9 Edward VII., 1909.

## THE SENATE OF CANADA.

### BILL C.

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:—

Preamble.  
R.S., 1906,  
c. 140.

1. Paragraph (c) of section 20 of *The Exchequer Court Act*, chapter 140 of *The Revised Statutes, 1906*, is hereby amended by inserting after the word "on" in the second line thereof the words "or arising on or in connection with."
2. This Act shall be held to have come into force on the 23rd June, 1887.

S. 20  
amended.  
Jurisdiction  
as to claims  
for death or  
injury on  
public works.  
Act to be  
retroactive.

THE SENATE OF CANADA.

**BILL**

**C**

An Act to amend The Exchequer Court Act.

Received and read a first time,

Friday, 26th November, 1909.

Second reading,

Wednesday, 1st December, 1909.

Honourable Mr. BERGOURT.

OTTAWA

Printed by C. H. PARMELEE  
Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED MARCH 4, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL C.

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:—

Preamble.  
R.S., 1906,  
c. 140.

1. Section 20 of *The Exchequer Court Act* is hereby amended  
5 by adding thereto as subsection (f) the following:—

S. 20  
amended.

“(f) Every claim against the Crown arising out of any death or injury or loss to the person or to property caused by the negligence of any officer or servant of the Crown while acting within the scope of his duties or employment upon, in or about  
10 the construction, maintenance or operation of the Intercolonial Railway or the Prince Edward Island Railway.”

Jurisdiction  
as to claims  
for death,  
injury or  
loss on  
Government  
railways.

WILLIAM BAKER HENNING & CO.

THE SENATE OF CANADA

Bill of

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# THE SENATE OF CANADA.

## BILL D.

An Act to provide for the incorporation of Railway Companies.

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

1. Any number of persons, not fewer than seven, of the full age of twenty-one years, who desire to be incorporated for the purposes of constructing, maintaining and operating a railway which is within the legislative jurisdiction of the Parliament of Canada, may, by agreement in writing, form themselves into an association for those purposes, and, upon complying with the provisions of this Act, may obtain letters-patent creating them and their successors a corporation with all the powers and privileges, and subject to all the obligations and restrictions contained in *The Railway Act* and in any other general Act relating to railways.
2. The agreement of association shall contain the following particulars:—
- (a) the proposed name of the corporation, which name shall not be that of any other known company, incorporated or unincorporated, or any name likely to be mistaken therefor, nor otherwise, on grounds of public policy or convenience, objectionable, and shall end with the words "Railway Company;"
  - (b) the terminal points of the proposed railway, and, as nearly as may be estimated, its length in miles;
  - (c) the proposed route, with the name of each county, city, town, village, and municipality through, into or near which it is proposed to build the railway;
  - (d) the gauge of the railway, which shall be four feet, eight inches and one-half of an inch;
  - (e) the amount of the capital stock of the corporation, which shall not be less than ten thousand dollars for each mile of the estimated length of the railway, and shall be divided into shares of one hundred dollars each;
  - (f) the number of shares of capital stock which each associate agrees to take; but an associate shall not be bound by such agreement to pay more than ten per cent upon such shares unless the corporation is duly created;
  - (g) the place where the head office of the corporation is to be;

Preamble.

Formation of association.

R.S., c. 37.

Contents of agreement.

Name of corporation.

Termini.

Route.

Gauge.

Capital.

Shares.

Subscribed shares.

Head office.

- Provisional directors. (h) the names, residences, occupations and post office addresses of at least seven persons to act as provisional directors. These must be subscribers to the agreement and a majority of them resident in Canada; they may fill any vacancy occurring among their number; and shall appoint a secretary and a treasurer who shall hold office until their successors are appointed by the corporation if created; the same person may be appointed both secretary and treasurer; 5
- Secretary and Treasurer. (i) The name, residence, occupation and post office address of the secretary and of the treasurer of the association. 10
- Execution of agreement. 2. The agreement shall be signed with the full name of and be sealed by each associate, who shall, opposite his signature, state his residence, occupation and post office address, and the place and date of his signature. Each signature shall be duly witnessed by one witness, whose full name, residence and occupation shall be stated. 15
- Notice of agreement. 3. Before proceeding to examine and survey the route of the proposed railway the provisional directors shall cause notice of the agreement of association to be given as follows:— 20
- By publication in official and local newspapers. (1) By publication of a copy thereof, at least once a week for six consecutive weeks,—
- (a) in *The Canada Gazette*, and
- (b) the official Gazette of any province in which the proposed railway or any part thereof is to be constructed; and 25
- (c) in at least one newspaper in each city, town or village through, into or near which the proposed railway is to be constructed, and in which there is a newspaper published.
- By letter. (2) By sending by registered letter a copy of the agreement of association to the clerk of each country or district council, and of each city, town, village or other municipal corporation, which may be specially affected by the construction or operation of the proposed railway. 30
- English and French. 2. In the provinces of Quebec and Manitoba, the notice shall be given in both the English and French languages. 35
- Proof. 3. A statutory declaration by the secretary of the association that any provision of this section has been duly complied with shall be *prima facie* proof of such compliance.
- Examination and survey. 4. After the notice required by section 3 of this Act has been duly given, the directors may cause an examination and survey of the route of the proposed railway to be made; and for that purpose they or their agents may enter upon any lands along or adjacent to such route, and do all things necessary. 40
- Damages and compensation therefor. 2. In the exercise of the powers granted by this section as little damage as possible shall be done and full compensation shall be made to all persons interested for all damages by the exercise of such powers. 45
- Plan, profile, report and estimate of cost. 5. The provisional directors shall cause to be made by a competent engineer, from actual examination and survey, a plan profile, report and estimate of cost, on such scales and containing such information and in such detail, as may be required by regulations in that behalf to be made by the Board of Railway 50

Commissioners for Canada, or as may be required by special order of the Board made when necessary.

2. The plan, profile, report and estimate shall contain generally all necessary information as to—

Information to be given thereby.

- 5 (a) the character of the country through which the proposed railway is to pass and the feasibility of the proposed route;
- (b) the proposed gradients;
- 10 (c) all existing railways and highways to be crossed and the mode of crossing proposed in each case;
- (d) all rivers, streams and watercourses, to be crossed or diverted, specially distinguishing such as are navigable waters, and giving in each case the nature and estimated cost of the proposed bridge, tunnel, ferry or other means of crossing, or of the proposed diversion;
- 15 (e) the kind and amount of excavation, embankment, masonry and other sorts of work;
- (f) full information as to the manner of constructing the proposed railway and the standard to be adopted therefor both as to its construction and equipment.
- 20 (g) everything necessary to enable the Board of Railway Commissioners for Canada to determine whether the certificate provided for by this Act should be granted by the Board.

25 **6.** Within twelve months after the last publication of the notice of agreement of association the provisional directors may apply to the Board of Railway Commissioners for Canada for a certificate that the public interest requires that a railway should be constructed as proposed in the agreement of association.

Application to Board of Railway Commissioners for certificate.

30 2. With such application there shall be submitted to the Board—

What to be submitted.

- (a) the original agreement of association, and as many copies thereof as the Board may require;
- 35 (b) proof, in such form as the Board may require, that the preceding provisions of this Act have been complied with;
- (c) proof that responsible persons have in good faith subscribed the amount of capital stock required by this Act, and that at least twenty-five per cent on the amount so subscribed has been actually paid in cash into some chartered bank in Canada to the credit of the association to be used only for the purposes of the agreement of association;
- 40 (d) proof that the necessary notice has been published and given as required by this Act;
- 45 (e) the plan, profile, report and estimate of cost required by this Act;
- (f) a statutory declaration, made by at least the majority of the provisional directors and by the secretary of the association, as to the truth of all essentials required by this Act and that it is in good faith intended by the association to locate, construct, maintain, equip and operate the railway on the proposed route.
- 50

- Powers to Board. 3. The Board may order such further information or proof of any alleged fact to be afforded as in its discretion may be requisite.
- Form and verification. 4. Any information or proof required by this Act or by the Board in pursuance of this Act shall be given in such form, and shall be verified in such way, by statutory declaration or otherwise, as the Board may prescribe either by general regulation or by special order. 5
- Requirements for issue of certificate. 7. If the Board is satisfied—  
 that the requirements of this Act, and of all regulations and orders made under this Act by the Board, have been complied with as regards all matters preliminary to the making of the application and as regards the application; and— 10  
 that the amount mentioned in the next preceding section of this Act has been paid in good faith as required by that section, and that such further amount has been so paid as in the opinion of the Board is necessary to pay all damages, immediate or consequential, caused by the laying out or building of the railway or by the taking of any lands or material therefor; and— 15  
 that sufficient security has been given, by bond or otherwise, that the said amount shall not be withdrawn for any purposes other than those of the agreement of association; and— 20  
 that the construction and operation of the proposed railway will be in the public interest; 25  
 the Board shall issue a certificate setting forth that the provisions of this Act have been complied with and recommending that the associates be incorporated under this Act, under such name, with such powers, and subject to such provisions, as the Board may, in pursuance of this Act, determine.
- Issue of certificate. 8. If the Board is not so satisfied, it shall refuse to issue such certificate, but the associates may within one year from such refusal apply again for a certificate. 30
- Refusal of certificate. 9. Before issuing the certificate the Board shall determine all such matters relating to the following subjects as are not provided for by *The Railway Act*— 35
- Matters to be settled by the Board.  
 R.S., c. 37. Corporators. (a) the persons to be incorporated;  
 Name. (b) the corporate name to be given to the corporation;  
 Directors. (c) the provisional directors;  
 Capital. (d) the capital stock;  
 Head office. (e) the head office; 40  
 Annual meeting. (f) the annual meeting of the corporation;  
 Route. (g) the route of the proposed railway, as to which the Board may impose such conditions and restrictions as the Board deems advisable in the interest of the public or of any municipality. 45
- Municipalities. The route fixed by the Board may include such lines, branches or spurs within municipalities as may be necessary for carrying on the corporation's business; but no such line, branch or spur shall be located or constructed without the consent of the proper municipal authority, who in giving such consent may impose such conditions and restrictions as to the location, construction or use 50

- thereof as are agreed upon between the provisional directors, or the directors, and the municipal authority; and the corporation shall be liable to the municipality for all damage or loss caused to the municipality by such location, construction or use, or by the negligence or default of the corporation, its agents or workmen;
- 5 (h) the amount of bonds, debentures or other securities which may be issued. This shall be fixed at a certain rate per mile of the railway, and such issue shall be authorized to be made only in proportion to the length of railway constructed or under contract to be constructed, and on the express condition that all moneys realized from such issue shall be used for no other purpose than the construction, equipment, maintenance and operation of the railway, and that if by any court of competent jurisdiction it is found that this condition has not been fulfilled, that court shall order the corporation to pay an amount equal to the moneys so diverted from their proper use, which amount shall be paid into the consolidated revenue fund of Canada;
- 10
- 15 (i) the other railway companies with which, if it so desires, the corporation may, subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, enter into agreements for any of the purposes specified in section 361 of that Act.
- 20
- 25
- 10.** When in the opinion of the Board it would be for the public interest that the powers hereinafter mentioned, or any of them, should be conferred upon the corporation, and that such powers are necessary for the effectual carrying on of the business of the corporation as a common carrier, the Board may also determine whether and to what extent any or all of such powers should be conferred upon the corporation, that is to say, powers for—
- 30
- (a) the acquisition, chartering, maintenance and operation of steam and other vessels in connection with the undertaking of the corporation; and the construction, acquisition and disposal of wharves, docks, elevators, warehouses and all other structures and buildings necessary for such purposes;
- 35
- 40 (b) the construction, maintenance and operation of structures and works for the development of power of any kind, and for the conversion of power so obtained into any other form of power, heat, light or electricity, and for the utilization of power, heat, light or electricity obtained by such development or conversion, in and for the purposes of the business of the corporation,
- 45
- (c) the operation of the telegraph and telephone lines of the corporation for the transmission of messages for the public; the collection of tolls for such transmission, subject to approval of such tolls by the Board, and to revision thereof from time to time by the Board; and, for the purposes of such operation and transmission, the making of contracts with any companies having telegraph or telephone powers, and the connection of the
- 50

Issue of securities.

Agreements with other companies.

Additional powers.

Vessels, &c.

Development and utilization of power.

Operation of telegraph and telephone lines for public.

	lines of the corporation with the lines of such companies, or their lease to such companies;	
Issue of securities on property other than railway.	(d) the issue by the corporation of bonds, debentures or other securities, charged upon any property of the corporation other than the railway.	5
Issue of letters patent of incorporation.	<b>11.</b> If the provisional directors file with the Secretary of State the certificate issued by the Board of Railway Commissioners for Canada, and if the proper fees as set forth in the Schedule to this Act have been paid, the Secretary of State shall forthwith cause to be issued under his seal of office, letters patent incorporating the association according to the tenour of the certificate.	10
Application of R.S., c. 37.	<b>12.</b> <i>The Railway Act</i> and all amendments thereof, except in so far as modified by this Act, shall apply to every corporation created under this Act, and to every railway constructed, maintained or operated under the authority of this Act.	15
Interpretation.	2. The expressions "Special Act" and "Act authorizing the construction of the railway," wherever used in <i>The Railway Act</i> and its amendments, shall include letters patent issued under this Act.	20
Prohibition of amalgamation and pooling with competitors.	<b>13.</b> No corporation created under this Act shall amalgamate with, or enter into any agreement for making a common fund or pooling earnings or receipts with, or leasing any part of its line to, any other railway company owning a parallel or competing line. Every such amalgamation or arrangement shall be null and void.	25
Exception.	2. The provisions of this section shall not extend to arrangements made under section 364 of <i>The Railway Act</i> , as to interchange of traffic, running rights and the other purposes authorized by that section.	30
Extensions of existing railways.	<b>14.</b> When any railway company is incorporated by an Act of the parliament of Canada, or its undertaking is declared to be a work for the general advantage of Canada, any extension of the railway of such company not heretofore authorized shall be subject to the provisions of this Act with respect to notice and to the submission to the Board of the plan, profile, report and estimate provided for in section 5 of this Act.	35
Powers of Board.	2. Upon the Board being satisfied that all the requirements of this Act and of <i>The Railway Act</i> applicable thereto have been complied with, the board may fix the amount of securities which the company may issue on the said extension, and may give such other powers provided for by this Act as it deems necessary, and may thereupon grant a certificate that public necessity demands the construction of the railway applied for, and that all the provisions of this Act and of <i>The Railway Act</i> and all regulations of the board have been complied with.	40
Certificate.		45
Fyling.	3. The applicants may thereupon file the said certificate with the Secretary of State, who shall, upon the payment of the proper fees, grant letters patent under his seal authorizing the construction of the railway.	50
Letters Patent.		

15. Excepting as in the next preceding section provided <sup>As to</sup> nothing in this Act shall apply to any railway company in- <sup>existing</sup> <sup>companies.</sup> corporated before the passing of this Act.

16. This Act may be cited as *The Railway Companies Incor-* <sup>Short title.</sup> <sub>5</sub> *poration Act, 1910.*

#### SCHEDULE.

NOTE.—*It is intended to add the schedule of fees at a future stage of the Bill.*

THE SENATE OF CANADA.

BILL

D

An Act to provide for the Incorporation of  
Railway Companies.

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Received and read a first time,

Friday, 26th November, 1909.

Second reading,

Wednesday, 1st December, 1909.

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Honourable Mr. DAVIS.

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OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

## THE SENATE OF CANADA.

### BILL E.

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

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

Preamble.  
1899, c. 128;  
1900, c. 119;  
1902, c. 98;  
1904, c. 122;  
1906, c. 158;  
1908, c. 153.

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

Extension of time for construction of undertaking.  
1908, c. 153.

**2.** Section 21 of chapter 128 of the statutes of 1899, as amended by chapter 119 of the statutes of 1900, is hereby further amended by substituting for the words "ten million dollars," in the third line of the said section, the words "twelve million five hundred thousand dollars."

1899, c. 128, s. 21, and 1900, c. 119 amended.  
Bonding powers increased.

**3.** Section 2 of chapter 128 of the statutes of 1899, is hereby amended by striking out the words "D. Farand Henry, of the city of Detroit, in the state of Michigan," "Horatio C. Boulton, of the city of Toronto," and "C. A. Youmans, of the town of Neillsville, in the state of Wisconsin," and substituting therefor the words "Charles E. Boyd and William E. Tisdale of the town of Simcoe, in the province of Ontario and Arthur C. Pratt of the city of Toronto in the province of Ontario."

1899, c. 128, s. 2 amended.  
Incorporators and provisional directors.

**4.** The following enactments are hereby repealed:—

Repeal.

Year.	Chapter.	Extent of Repeal.
1899.....	128	Section 30.
1900.....	119	The whole Act.
1902.....	98	The whole Act.
1904.....	122	Section 1.
1906.....	158	The whole Act.
1908.....	153	The whole Act.

THE SENATE OF CANADA.

BILL

E

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

First reading,

Thursday, 13th January, 1910.

Second reading,

Tuesday, 18th January, 1910.

Honourable Mr. LOUGHEED.

OTTAWA

Printed by C. H. PARRELL

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED FEBRUARY 4, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL E.

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

Preamble.  
1899, c. 128;  
1900, c. 119;  
1902, c. 98;  
1904, c. 122;  
1906, c. 158;  
1908, c. 153.

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

Extension of time for construction of undertaking.  
1908, c. 153.

**2.** Section 21 of chapter 128 of the statutes of 1899, as amended by chapter 119 of the statutes of 1900, is hereby further amended by substituting for the words "ten million dollars," in the third line of the said section, the words "twelve million five hundred thousand dollars."

1899, c. 128, s. 21, and 1900, c. 119 amended.  
Bonding powers increased.

**3.** Section 2 of chapter 128 of the statutes of 1899, is hereby amended by striking out the words "D. Farand Henry, of the city of Detroit, in the state of Michigan," "Horatio C. Boulton, of the city of Toronto," and "C. A. Youmans, of the town of Neillsville, in the state of Wisconsin," and substituting therefor

1899, c. 128, s. 2 amended.  
Incorporators and provisional directors.

the words "Charles E. Boyd and William E. Tisdale of the town of Simcoe, in the province of Ontario and Arthur C. Pratt of the city of Toronto in the province of Ontario."

Repeat.

4. The following enactments are hereby repealed:—

Year.	Chapter.	Extent of Repeal.
1899.....	128	Section 30.
1900.....	119	The whole Act.
1902.....	98	The whole Act.
1904.....	122	Section 1.
1906.....	158	The whole Act.
1908.....	153	The whole Act.

## THE SENATE OF CANADA.

### BILL F.

An Act to incorporate The Congregational Union of  
Canada.

**W**HEREAS the voluntary association known as "The Congregational Union of Canada" has by its petition represented that it is the General Assembly of the representatives of the Congregational Denomination of the Dominion of Canada, and is desirous of being incorporated; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The members of the voluntary association mentioned in the preamble, together with all persons who hereafter become members of the corporation hereby created, are hereby incorporated under the name of "The Congregational Union of Canada," hereinafter called "the Union."

**2.** The objects of the Union shall be—

(a) To promote, throughout Canada and elsewhere, evangelical religion in connection with the Congregational Denomination.

(b) To cultivate brotherly affection and co-operation in everything relating to the interests of that denomination.

(c) To establish, throughout Canada and elsewhere, correspondence with the churches of that denomination and with similar bodies within and outside Canada.

(d) To obtain accurate statistical information concerning religious matters, especially those concerning the Congregational denomination.

(e) To hold consultations and meetings on all matters on and connected with the cause of religion.

(f) To receive, invest and administer such property, real or personal, as may at any time be lawfully given or entrusted to the Union.

**3.** The head office of the Union shall be at the city of Toronto in the province of Ontario, but may be changed by the Union from time to time to any other place in Canada; and branch offices may be established wherever the Executive Committee may from time to time determine.

Powers. Real and personal property.	4. The Union shall have power, for the objects aforesaid:— (a) To acquire by purchase, lease, deed or trust, or otherwise take, receive and hold grants, devises, bequests and gifts of real and personal property, for any estate or interest therein, either absolutely or in trust; and to use, sell and dispose thereof; and to invest, change, and reinvest, and to apply the proceeds and revenue of such property for the purposes for which the Union is incorporated by this Act: Provided, however, that the annual value of the real property held by or in trust for the Union shall not at any time exceed the sum of five hundred thousand dollars: and Provided that the Union shall, within ten years after the acquisition of any real property, or of any estate or interest therein, sell or otherwise dispose of so much thereof as is not required for the use, occupation or other like purposes of the Union; Provided, also, that the exercise of the powers above mentioned shall be subject to the laws respecting the acquisition and holding of real property by religious corporations in force at the time in the province of Canada in which such real estate is situate, so far as such laws apply to the Union.	5
Limitations to holding of real property.	(b) To borrow money for all lawful purposes of the Union upon the property of the Union, and to grant all ordinary and necessary securities and mortgages for its loans.	10
Provincial laws respecting real property to apply.	(c) To establish, and from time to time alter, any such constitution and by-laws as it deems fit, provided the same be not contrary to law.	15
Borrowing powers.	(d) To adopt any steps or methods not contrary to law and to appoint and revoke all agents, officers and trustees it may deem proper.	20
Securities. Constitution and by-laws.	(e) To receive into the Union or to affiliate, or to amalgamate with, all such associations having religious or charitable objects as it deems proper, and to provide in any lawful way it deems proper for the administration of their business and property in the same manner as its other property.	25
Conduct of business. Officers, etc.	(f) To establish and contribute to such missions, churches, branches, offices, colleges, schools, agencies, societies, newspapers, and other institutions as it may deem advisable.	30
Amalgamation with similar associations.		35
Missions, etc., etc.		40
Executive Committee.	5. The affairs of the Union shall be managed by a general board called the Executive Committee, elected as the Union may determine, and until such election the members of the executive committee of the existing voluntary association shall have the powers of the Executive Committee to be elected under this Act.	40

## THE SENATE OF CANADA.

## BILL

F

An Act to incorporate The Congregational Union of Canada.

Received and read a first time,

Thursday, 13th January, 1910.

Second reading,

Tuesday, 18th January, 1910.

Honourable Mr. GILLMOR.

## BILL AS PASSED FEBRUARY 10, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

## BILL F.

## An Act to incorporate The Congregational Union of Canada.

**W**HEREAS the voluntary association known as "The Congregational Union of Canada" has by its petition represented that it is the General Assembly of the representatives of the Congregational Denomination of the Dominion of Canada, and is desirous of being incorporated; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** The members of the voluntary association mentioned in the preamble, together with all persons who hereafter become members of the corporation hereby created, are hereby incorporated under the name of "The Congregational Union of Canada," hereinafter called "the Union."

Incorporation.

Corporate name.

**2.** The objects of the Union shall be—

**(a)** To promote, throughout Canada and elsewhere, evangelical religion in connection with the Congregational Denomination.

**(b)** To cultivate brotherly affection and co-operation in everything relating to the interests of that denomination.

**(c)** To establish, throughout Canada and elsewhere, correspondence with the churches of that denomination and with similar bodies within and outside Canada.

**(d)** To obtain accurate statistical information concerning religious matters, especially those concerning the Congregational denomination.

**(e)** To hold consultations and meetings on all matters of and connected with the cause of religion.

Objects.

(f) To receive, invest and administer such property, real or personal, as may at any time be lawfully given or entrusted to the Union.

Head office.

**3.** The head office of the Union shall be at the city of Toronto, in the province of Ontario, but may be changed by the Union 5  
from time to time to any other place in Canada; and branch  
offices may be established wherever the Executive Committee  
may from time to time determine.

Branch  
offices.

Powers.

**4.** The Union shall have power, for the objects aforesaid:—

Real and  
personal  
property.

(a) to acquire by purchase, lease, deed or trust, or otherwise 10  
take, receive and hold grants, devises, bequests and gifts of real  
and personal property, for any estate or interest therein, either  
absolutely or in trust; and to use, sell and dispose thereof; and  
to invest, change, and reinvest, and to apply the proceeds and  
revenue of such property for the purposes for which the Union 15  
is incorporated by this Act: Provided, however, that the annual  
value of the real property held by or in trust for the Union shall  
not at any time exceed the sum of one hundred thousand dollars  
in any one province of Canada, and shall not exceed in the  
whole five hundred thousand dollars: and Provided that the 20  
Union shall, within ten years after the acquisition of any real  
property, or of any estate or interest therein, sell or otherwise  
dispose of so much thereof as is not required for the use, occu-  
pation or other like purposes of the Union; Provided, also, that  
the exercise of the powers above mentioned shall be subject to 25  
the laws respecting the acquisition and holding of real property  
by religious corporations in force at the time in the province  
of Canada in which such real estate is situate, so far as such laws  
apply to the Union;

Limitations  
to holding  
of real  
property.

Provincial  
laws  
respecting  
real property  
to apply.

Borrowing  
powers.

(b) to borrow money for all lawful purposes of the Union 30  
upon the property of the Union, and to grant all ordinary and  
necessary securities and mortgages for its loans;

Securities.  
Constitution  
and by-laws.

(c) to establish, and from time to time alter, any such consti-  
tution and by-laws as it deems fit, provided the same be not con-  
trary to law; 35

Conduct of  
business.  
Officers, etc.  
Amalgama-  
tion with  
similar  
associations.

(d) to appoint and revoke all agents, officers and trustees it  
may deem proper;

(e) to receive into the Union, or to affiliate, or to amalgamate  
with, all such associations having religious or charitable objects  
as it deems proper, and to provide in any lawful way it deems 40  
proper for the administration of their business and property in  
the same manner as its other property;

Missions,  
etc., etc.

(f) to establish and contribute to such missions, churches,  
branches, offices, colleges, schools, agencies, societies, news-  
papers, and other institutions as it may deem advisable. 45

Executive  
Committee.

**5.** The affairs of the Union shall be managed by a general  
board called the Executive Committee, elected as the Union

may determine, and until such election the members of the executive committee of the existing voluntary association shall have the powers of the Executive Committee to be elected under this Act.



## THE SENATE OF CANADA.

### BILL G.

#### An Act to incorporate The Merchants' Bank of Canada Pension Fund.

**W**HEREAS the following officers of the Merchants' Bank of Canada, namely, Sir H. Montagu Allan, of Montreal, president; Edward Feild Hebden, of Montreal, general manager; Thomas Edward Merrett, of Montreal, superintendent of  
5 branches; Daniel Charles Macarow, of Montreal, manager; William McNab Ramsay, of New York in the United States of America, agent at New York; and John McCready Kilbourn, of Montreal, secretary, have by their petition set forth that it is desirable that provision should be made to enable the employees  
10 of the said bank to establish a pension fund for their benefit and that of their families and to enable the said bank to make payments to the said fund under subsection 2 of section 18 of *The Bank Act*; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice  
15 and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sir H. Montagu Allan, E. F. Hebden, T. E. Merrett, D. C. Macarow, W. M. Ramsay and J. McC. Kilbourn and all the employees of The Merchants' Bank of Canada from time to time,  
20 except such as may be ineligible or excluded by virtue of the by-laws thereof, are hereby constituted a body politic and corporate under the name of "The Merchants' Bank of Canada Pension Fund," hereinafter called "the corporation."  
Incorporation.  
Corporate name.
2. The corporation shall have its principal office at Montreal.  
Head office.
- 25 3. The Merchants' Bank of Canada may pay and the corporation may receive such sums as the bank may contribute under subsection 2 of section 18 of *The Bank Act* towards any pension fund.  
Contributions of the Bank.
4. The corporation may receive such sums of money as may  
30 be paid in by any employee of the Bank under any regulation or by-law hereafter made by the corporation and also gifts or contributions from any other corporation or person.  
Funds.
5. The property of the corporation shall be held in trust by it  
35 for the purpose of providing pensions for employees or ex-employees of The Merchants' Bank of Canada or their widows and children in such amounts and under such terms and con-  
Property to be held in trust to provide pensions.

ditions as may be determined from time to time by the directors of the corporation.

- Investment of funds.**      **6.** The funds of the corporation may be invested by the board of directors from time to time in any or all of the following securities:— 5
- (1) real estate or mortgages or hypothecs secured upon real estate;
  - (2) bonds or debentures of any incorporated company secured by a deed of trust on the assets of the company by which the bonds or debentures are issued; 10
  - (3) debentures of any municipal corporation in the Dominion of Canada;
  - (4) the public securities of the Dominion of Canada or of any province thereof or of the United States of America or of any state thereof; 15
  - (5) any stock of any corporation or company, if such stock is quoted upon the stock list of the Montreal Stock Exchange or of the New York Stock Exchange and has been so quoted for more than two years previous to any investment therein by the corporation, and if there has been paid thereon during such time 20 not less than four and a half per cent on the par value of the shares.
- Disposal of investments.**      **7.** Any investment of the corporation may be disposed of from time to time by the board of directors as the board may see fit, and the proceeds of any such disposal may be reinvested by 25 the board as provided by this Act.
- Directors.**      **8.** Sir H. Montagu Allan, E. F. Hebden, T. E. Merrett, D. C. Macrow, W. M. Ramsay and J. McC. Kilbourn shall be the first board of directors and they and their respective successors in their said offices shall continue *ex officio* to constitute said board. 30
- First general meeting.**      **9.** The General Manager of the Merchants' Bank of Canada for the time being shall forthwith after the passing of this Act cause a notice to be sent in such manner as he may deem fit of a special general meeting of the corporation to be held at such time and place and so soon thereafter as may be convenient. 35
- Returns.**      **10.** The corporation shall at all times when required by the Governor in Council or by either House of Parliament, make a full and complete return of its property, receipts and expenditures for such periods and with such details and other information as may be required. 40
- By-laws.**      **11.** The board of directors generally may make such by-laws as are necessary for the government of the corporation, the appointing of its officers, the continuing of its business, the investment of its funds, the distribution thereof among the employees or the ex-employees or their widows and children and 45 for the determining of their respective rights in and to the funds of the corporation or any part thereof and the forfeiture of their rights thereto, the rights of any employee to vote at any meeting, and generally for such purposes incidental to the carrying on of

the corporate existence and purpose as they may deem expedient.

12. The following sections only of *The Companies Act* shall apply to the corporation, namely sections 123, 124 and 174, which sections shall be read as if the word "Company" meant the corporation.

Application  
of R.S.C.  
1906, c. 79,  
Part II.

THE SENATE OF CANADA.

**BILL**

**G**

An Act to incorporate The Merchants' Bank of Canada Pension Fund.

Received and read a first time,

Thursday, 13th January, 1910.

Second reading,

Tuesday, 18th January, 1910.

Honourable Mr. BÉRIQUE.

OTTAWA

Printed by C. H. PARRELL

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED FEBRUARY 2, 1910.

## THE SENATE OF CANADA.

### BILL G.

An Act to incorporate The Merchants' Bank of Canada Pension Fund.

**W**HEREAS the following officers of the Merchants' Bank of Preamble.  
 Canada, namely, Sir H. Montagu Allan, of Montreal, president; Edward Feild Hebden, of Montreal, general manager; Thomas Edward Merrett, of Montreal, superintendent of  
 5 branches; Daniel Charles Macarow, of Montreal, manager; William McNab Ramsay, of New York in the United States of America, agent at New York; and John McCready Kilbourn, of Montreal, secretary, have by their petition set forth that it is desirable that provision should be made to enable the employees  
 10 of the said bank to establish a pension fund for their benefit and that of their families and to enable the said bank to make pay- R.S.C., 1906, c. 29.  
 15 ments to the said fund under subsection 2 of section 18 of *The Bank Act*; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice  
 and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sir H. Montagu Allan, E. F. Hebden, T. E. Merrett, D. C. Incorporation.  
 Macarow, W. M. Ramsay and J. McC. Kilbourn and all the employees of The Merchants' Bank of Canada from time to time,  
 20 except such as may be ineligible or excluded by virtue of the by-laws thereof, are hereby constituted a body politic and corporate under the name of "The Merchants' Bank of Canada  
 Pension Fund," hereinafter called "the corporation." Corporate name.
2. The corporation shall have its principal office at Montreal. Head office.
- 25 3. The Merchants' Bank of Canada may pay and the corporation may receive such sums as the bank may contribute under subsection 2 of section 18 of *The Bank Act* towards any pension  
 fund. Contributions of the Bank.

4. The corporation may receive such sums of money as may Funds.  
 30 be paid in by any employee of the Bank under any regulation or

by-law hereafter made by the corporation and also gifts or contributions from any other corporation or person.

Property to be held in trust to provide pensions.

5. The property of the corporation shall be held in trust by it for the purpose of providing pensions for employees or ex-employees of The Merchants' Bank of Canada or their widows and children in such amounts and under such terms and conditions as may be determined from time to time by the directors of the corporation. 5

Investment of funds.

6. The funds of the corporation may be invested by the board of directors from time to time in any or all of the following securities:— 10

(1) real estate or mortgages or hypothecs secured upon real estate;

(2) bonds or debentures of any incorporated company secured by a deed of trust on the assets of the company by which the bonds or debentures are issued; 15

(3) debentures of any municipal corporation in the Dominion of Canada;

(4) the public securities of the Dominion of Canada or of any province thereof or of the United States of America or of any state thereof; 20

(5) any stock of any corporation or company, if such stock is quoted upon the stock list of the Montreal Stock Exchange or of the New York Stock Exchange and has been so quoted for more than two years previous to any investment therein by the corporation, and if there has been paid thereon during such time not less than four and a half per cent on the par value of the shares. 25

Disposal of investments.

7. Any investment of the corporation may be disposed of from time to time by the board of directors as the board may see fit, and the proceeds of any such disposal may be reinvested by the board as provided by this Act. 30

Directors.

8. Sir H. Montagu Allan, E. F. Hebden, T. E. Merrett, D. C. Macrow, W. M. Ramsay and J. McC. Kilbourn shall be the first board of directors and they and their respective successors in their said offices shall continue *ex officio* to constitute said board. 35

First general meeting.

9. The General Manager of the Merchants' Bank of Canada for the time being shall forthwith after the passing of this Act cause a notice to be sent in such manner as he may deem fit of a special general meeting of the corporation to be held at such time and place and so soon thereafter as may be convenient. 40

Returns.

10. The corporation shall at all times when required by the Governor in Council or by either House of Parliament, make a full and complete return of its property, receipts and expendi-

tures for such periods and with such details and other information as may be required.

**11.** The board of directors generally may make such by-laws By-laws. as are necessary for the government of the corporation, the 5 appointing of its officers, the continuing of its business, the investment of its funds, the distribution thereof among the employees or the ex-employees or their widows and children and for the determining of their respective rights in and to the funds of the corporation or any part thereof and the forfeiture of their 10 rights thereto, the rights of any employee to vote at any meeting, and generally for such purposes incidental to the carrying on of the corporate existence and purpose as they may deem expedient.

**12.** The following sections only of *The Companies Act* shall Application of R.S.C. 1906, c. 79, Part II. 15 apply to the corporation, namely sections 123, 124 and 174, which sections shall be read as if the word "company" meant the corporation.



## THE SENATE OF CANADA.

### BILL H.

An Act respecting certain patents of Henry Alexander Wise Wood.

WHEREAS Henry Alexander Wise Wood, of the city of New York, in the state of New York, one of the United States of America, has, by his petition, represented that he is the holder and owner of certain patents issued under the seal of the Patent Office, namely, patent number 67,752, dated 15th June, 1900, for improvements in automatic stereotype plate casting and finishing machinery; number 77,383, dated 16th September, 1902, for improvements in stereotype printing plate making machines; number 96,118, dated 21st November, 1905, for improvements in curved stereotype printing press plate casting apparatus; number 103,164, dated 22nd January, 1907, for improvements in stereotype printing plate casting apparatus; number 111,598, dated 28th April, 1908, for improvements in machines for finishing and cooling stereotype plates; and number 111,599, dated 28th April, 1908, for improvements in gravity shaving and cooling machines for stereotype plates; and whereas the said Wood 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:—

1. Notwithstanding anything in *The Patent Act*, chapter 69 of *The Revised Statutes*, 1906, or in the patents mentioned in the preamble, the Commissioner of Patents may receive from the holder of patent number 77,383 petitions for certificates of payment of further fees and the usual fee for one term or more of the said patent, and may grant and issue to such holder certificates of payment of further fees, provided for by section 23 of the said chapter, 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 patent.

Preamble.  
Power to Commissioner to receive fees, &c., and grant extension of Patent No. 77,383.

2. Notwithstanding anything in *The Patent Act* aforesaid, or in the patents mentioned in the preamble, the Commissioner of Patents may, within six months of the passing of this Act, receive from the holder of the said patents applications asking that the said patents, instead of being subject to the conditions with respect to the construction and manufacture of the patented inventions as set out in 38 of the said Act, shall be subject

Power to Commissioner to receive applications and make orders as to granting licenses for construction, use and sale.

R.S., 1906,  
c. 69, ss. 38  
44.

to the conditions as to licenses set forth in paragraphs (a) (b) (c) and (d) of section 44 of said Act, and upon any such application duly made the Commissioner may make any such order as he might make under the said section 44.

Power to  
Commissioner  
to grant  
extensions of  
time for  
importation.

3. Notwithstanding anything in *The Patent Act* aforesaid, 5  
or in the patents mentioned in the preamble, the Commissioner  
of Patents may within six months of the passing of this Act,  
receive from the holder of the said patents applications for the  
grant of extensions of time, not exceeding twelve months,  
within which to import the said inventions into Canada and 10  
may grant such extensions as provided in section 40 of the  
said Act.

R.S., 1906,  
c. 69, s. 40.

Patents  
validated  
conditionally.

4. Notwithstanding anything in *The Patent Act* aforesaid  
or in the patents mentioned in the preamble, the said patents  
are declared not to have become null and void nor to have 15  
ceased and determined under paragraphs (a) and (b) of section  
38 of the said Act, and shall not become null and void nor cease  
and determine for six months after the passing of this Act,  
if within such period of six months, application for further  
relief is made to the Commissioner of Patents and such relief 20  
is granted or the conditions of the said Act are otherwise complied  
with.

Protection of  
rights  
acquired as  
against the  
holder of the  
patents.

5. If any person, other than any licensee, has in the period  
between the expiry of six years from the date of the said patent  
number 77,383 and the 28th November, 1909, or in the period 25  
between the date at which any of the patents mentioned in the  
preamble may have become invalidated by any default under  
section 38 of *The Patent Act* aforesaid and the 28th November,  
1909, commenced to manufacture, use or sell in Canada, any of  
the patented inventions covered by the said patents respectively,  
such person may continue to manufacture, use or sell such inven-  
tion in as full and ample a manner as if this Act had not been 30  
passed; but this provision shall not extend to any person who,  
without the consent of the holder of the said patents, commenced  
the construction or manufacture of any of the said inventions  
before the expiry of the patent relating thereto, or before the  
date at which default under the said section 38 may have occur- 35  
red with respect thereto.

THE SENATE OF CANADA.

BILL

H

An Act respecting certain patents of  
Henry Alexander Wise Wood.

Received and read a first time,

Friday, 14th January, 1910.

Second reading,

Wednesday, 19th January, 1910.

Honourable Mr. BELCOURT.

OTTAWA

Printed by C. H. PARRELLER

Printer to the King's most Excellent Majesty  
1909-10

## THE SENATE OF CANADA.

### BILL I.

An Act respecting The Northern Empire Railway.

**W**HEREAS The Northern Empire Railway Company has by Preamble.  
its petition prayed that it be enacted as hereinafter set 1908, c. 138.  
forth, and it is expedient to grant the prayer of the said peti-  
tion: Therefore His Majesty, by and with the advice and con-  
5 sent of the Senate and House of Commons of Canada, enacts as  
follows:—

**1.** The Northern Empire Railway Company may commence Extension of  
the construction of its railway, and expend fifteen per cent of time for  
the amount of its capital stock thereon, within two years after construction.  
10 the passing of this Act, and may complete the said railway and R.S., 1906,  
put it in operation within five years after the passing of this c. 37, s. 150.  
Act; and if, within the said periods respectively, the said rail-  
way is not so commenced and such expenditure is not so made,  
15 the powers of construction conferred upon the said Company  
by Parliament shall cease and be null and void as respects so  
much of the said railway as then remains uncompleted.

THE SENATE OF CANADA.

BILL

I

An Act respecting The Northern Empire  
Railway Company.

Received and read a first time,

Friday, 14th January, 1910.

Second reading,

Wednesday, 19th January, 1910.

Honourable Mr. TALBOT.

OTTAWA

Printed by C. H. PARMELEE  
Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED MARCH 3, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL I.

An Act respecting The Northern Empire Railway.

WHEREAS The Northern Empire Railway Company has by Preamble.  
 its petition prayed that it be enacted as hereinafter set 1908, c. 138.  
 forth, and it is expedient to grant the prayer of the said peti-  
 tion: Therefore His Majesty, by and with the advice and con-  
 5 sent of the Senate and House of Commons of Canada, enacts as  
 follows:—

1. The Northern Empire Railway Company may commence Extension of  
 the construction of its railway, and expend fifteen per cent of time for  
 the amount of its capital stock thereon, within two years after construction.  
 10 the passing of this Act, and may complete the said railway and R.S., 1906,  
 put it in operation within five years after the passing of this c. 37, s. 150.  
 Act; and if, within the said periods respectively, the said rail-  
 way is not so commenced and such expenditure is not so made,  
 15 the powers of construction conferred upon the said Company  
 by Parliament shall cease and be null and void as respects so  
 much of the said railway as then remains uncompleted.

THE SENATE OF CANADA.

BILL

I

An Act respecting The Northern Empire  
Railway Company.

Received and read a first time,

Friday, 14th January, 1910.

Second reading,

Wednesday, 19th January, 1910.

Honourable Mr. TALBOT.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

## THE SENATE OF CANADA.

### BILL J.

An Act for the relief of George Robert Buttonshaw.

WHEREAS George Robert Buttonshaw, of the town of Bowmanville, in the province of Ontario, sand-cutter, has by his petition alleged, in effect, that on the second day of December, A.D. 1891, at the parish church in the parish of Pett, in the county of Sussex, in that part of Great Britain and Ireland called England, he was lawfully married to Rosina Maude Horn, a spinster; that his legal domicile was then in the parish of Winchelsea, in the said county of Sussex; that in the year 1903 he left England and came to and became domiciled in Canada and that his legal domicile is now in Canada; that at the said town of Bowmanville, on or about the seventeenth day of December, A.D. 1904, she committed adultery with one Herbert Sargeant of the said town of Bowmanville; and since then of divers occasions, at the city of Toronto, in the province of Ontario, has committed adultery with the said Sargeant; that she is now residing at the said city of Toronto; that he has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between George Robert Buttonshaw and Rosina Maude Horn, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

2. The said George Robert Buttonshaw may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Rosina Maude Horn had not been solemnized.

THE SENATE OF CANADA.

BILL

J

An Act for the relief of George Robert  
Buttenshaw.

Received and read first time,

Friday, 14th January, 1910.

Second reading,

Wednesday, 19th January, 1910

Honourable Mr. CAMPBELL.

## THE SENATE OF CANADA.

### BILL K.

An Act respecting The Erie, London and Tillsonburg  
Railway Company.

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

Preamble.  
1906, c. 90.  
1908, c. 106.

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

Extension of  
time for  
construction.  
1908, c. 106.

**2.** Chapter 106 of the statutes of 1908 is hereby repealed.

Repeal of  
former limit  
of time.

THE SENATE OF CANADA.

BILL

K

An Act respecting The Erie, London and  
Tilsonburg Railway Company.

Received and read a first time,

Friday, 14th January, 1910.

Second reading,

Wednesday, 19th January, 1910.

Honourable Mr. COFFEY.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED FEBRUARY 4, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL K.

An Act respecting The Erie, London and Tillsonburg  
Railway Company.

**W**HEREAS The Erie, London and Tillsonburg Railway Com- Preamble.  
pany has by its petition prayed that it be enacted as herein- 1906, c. 90.  
after set forth, and it is expedient to grant the prayer of the 1908, c. 106.  
the said petition: Therefore His Majesty, by and with the  
5 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

**1.** The Erie, London and Tilsonburg Railway Company may, Extension of  
within two years after the passing of this Act, commence the time for  
construction,  
construction of its railway, and expend fifteen per cent of the 1908, c. 106.  
10 amount of its capital stock thereon; and may, within five years  
after the passing of this Act, complete the said railway and put  
it in operation; and if, within the said periods respectively, the  
said railway is not so commenced and such expenditure is not  
so made, or the said railway is not so completed and put in  
15 operation, the powers of construction conferred upon the said  
company by Parliament shall cease and be null and void as  
respects so much of the said railway as then remains uncom-  
pleted.

**2.** Chapter 106 of the statutes of 1908 is hereby repealed.

Repeal of  
former limit  
of time.

THE SENATE OF CANADA.

BILL

K

An Act respecting The Erie, London and  
Tilsonburg Railway Company.

Received and read a first time,

Friday, 14th January, 1910.

Second reading,

Wednesday, 19th January, 1910.

Honourable Mr. COFFEY.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

## THE SENATE OF CANADA.

### BILL L.

#### An Act respecting the Bay of Quinté Railway Company.

**W**HEREAS The Bay of Quinté Railway Company has by its Preamble.  
petition prayed that it be enacted as hereinafter set 1896 (1 Sess.)  
forth, and it is expedient to grant the prayer of the said peti- c. 15.  
tion: Therefore His Majesty, by and with the advice and con- 1900, c. 50.  
5 sent of the Senate and House of Commons of Canada, enacts as 1902, c. 40.  
follows:— 1905, c. 61.

**1.** The Bay of Quinté Railway Company may construct and Powers for  
operate a branch of its railway, from a point at or near the branch from  
village of Bridgewater in the township of Elzevir in the county Bridgewater  
10 of Hastings, for a distance of fifteen miles, more or less, in a to Actinolite  
north-easterly direction, to a point at or near the Actinolite Mines.  
Mines in the township of Kaladar in the county of Addington; 1905, c. 61,  
and the said branch shall be commenced within two years and s. 1.  
finished and put in operation within five years after the passing  
15 of this Act; and if the said branch is not commenced and is not  
finished and put in operation within the said periods respec-  
tively the power to construct the said branch shall cease and  
be null and void as respects so much thereof as then remains  
uncompleted.

**2.** The other lines of railway which the said Company has Extension of  
been authorised to construct shall be finished and put in opera- time for other  
tion within five years after the passing of this Act, otherwise lines.  
the powers for the construction thereof granted to the said 1896 (1 Sess.)  
company by Parliament shall cease and be null and void as c. 15, ss. 4, 6.  
25 respects so much of the said other lines of railway as then 1902, c. 40,  
remains uncompleted. s. 3.  
1905, c. 61,  
s. 2.

**3.** Chapter 61 of the statutes of 1905 is hereby repealed. Repeal of  
former time  
limit.

THE SENATE OF CANADA.

BILL

L

An Act respecting The Bay of Quinté  
Railway Company.

Received and read a first time,

Thursday, 20th January, 1910.

Second reading,

Tuesday, 25th January, 1910.

Honourable Mr. Power.

OTTAWA

Printed by C. H. PARMELEE  
Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED FEBRUARY 4, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL L.

An Act respecting the Bay of Quinté Railway Company.

**W**HEREAS The Bay of Quinté 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 (1 Sess.)  
c. 15.  
1900, c. 50.  
1902, c. 40.  
1905, c. 61.

- 1.** The Bay of Quinté Railway Company may construct, maintain and operate a branch of its railway, from a point at or near the village of Bridgewater in the township of Elzevir in the county of Hastings, for a distance of fifteen miles, more or less, in a north-easterly direction, to a point at or near the Actinolite Mines in the township of Kaladar in the county of Addington; and the said branch shall be commenced within two years and completed and put in operation within five years after the passing of this Act; and if the said branch is not commenced and is not completed and put in operation within the said periods respectively the power to construct the said branch shall cease and be null and void as respects so much thereof as then remains uncompleted.
- 2.** The other lines of railway which the said Company has been authorised to construct shall be completed and put in operation within five years after the passing of this Act, otherwise the powers for the construction thereof granted to the said company by Parliament shall cease and be null and void as respects so much of the said other lines of railway as then remains uncompleted.
- 3.** Chapter 61 of the statutes of 1905 is hereby repealed.

Powers for  
branch from  
Bridgewater  
to Actinolite  
Mines.

1905, c. 61,  
s. 1.

Extension of  
time for other  
lines.

1896 (1 Sess.)  
c. 15, ss. 4, 6.  
1902, c. 40,  
s. 3.  
1905, c. 61,  
s. 2.

Repeal of  
former time  
limit.



# THE SENATE OF CANADA.

## BILL M.

### An Act to regulate the Transportation of Intoxicating Liquors.

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

- 1.** No person shall, except as in this Act specially provided, by himself, his clerk or agent,—
- (a) ship, bring, carry, or cause to be sent, shipped, brought or carried, any intoxicating liquor to or into any province, county, municipality, city, or town in Canada in which the sale of intoxicating liquor for beverage purposes is prohibited either by Dominion or Provincial statute; or—
  - (b) deliver to any consignee or other person, or store, warehouse or keep for delivery in any such province, county, municipality, city or town as aforesaid, any intoxicating liquor; or—
  - (c) ship, bring, carry, or cause to be sent, shipped, brought or carried to or into any such province, county, municipality, city or town as aforesaid, any intoxicating liquor under any other name, or in packages bearing any other label than that of the liquor contained therein, or in packages not having the name of the liquor contained therein plainly labelled and marked on the outside; or—
  - (d) deliver to any consignee or other person, or store, warehouse or keep for delivery in any such province, county, municipality, city or town as aforesaid, any intoxicating liquor under any other name or in packages having any other label than that of the name of the liquor contained therein or in packages not having the name of the liquor therein contained plainly labelled and marked on the outside.
- 30** Provided always that nothing in this Act shall prohibit the vendors who are legally appointed by the Provincial Government from importing for medicinal purposes.
- 2.** No Act done in violation of this Act, shall be rendered lawful by reason of any license of any description.
- 35** **3.** Paragraphs (a) and (b) of section 1 of this Act shall not apply to any intoxicating liquor not exceeding five gallons sent, shipped, brought or carried to any person or persons for his or their personal or family use in their own homes, unless it be so

Preamble.

Shipping and carriage of intoxicating liquors made unlawful in certain cases. In certain places.

Delivery and storage in such places.

False or misleading description of liquor or package.

The same. Delivery or storage.

Importation for medicinal purposes.

License of no effect.

Exception for personal and family use.

sent, shipped, bought or carried to be paid for in such province county, municipality, city or town—

- (a) to the person delivering the same, his clerk or agent; or—
- (b) to a person who within a term of five years has been convicted of the violation of the Dominion or Provincial statute regarding the sale of liquor; or— 5
- (c) during the thirty days immediately preceding a Dominion or Provincial election.

Penalties for violation of Act.

4. Every one who by himself, his clerk, servant or agent, in violation of section 1 of this Act,— 10

- (a) sends, ships, brings or carries, or causes to be sent, shipped, brought or carried, or delivers to any consignee or other person, or stores, warehouses or keeps for delivery, to, into or in any province, county, municipality, city or town, any intoxicating liquor; or— 15
- (b) sends, ships, brings or carries, or causes to be sent, shipped, brought or carried, or delivered to any consignee or other person, or stores, warehouses or keeps for delivery, to, into or in any province, municipality, city or town, any intoxicating liquor, under any other name, or in packages bearing any other label than that of the name of the liquor contained therein, or in packages not having the name of the liquor therein contained plainly labelled and marked on the outside. 20

shall on summary conviction before any judge, police or stipendiary magistrate, or two justices of the peace for the province, county, municipality, city or town in which the offence is committed, be liable to a penalty for the first offence of not less than one hundred dollars or to imprisonment for a term not exceeding four months with or without hard labour, and for a second offence to a penalty of not less than two hundred dollars or imprisonment for a term not exceeding six months with or without hard labour, and for a third and every subsequent offence to imprisonment for a term not exceeding six months with or without hard labour. 35

Penalty for accessory.

5. Every one who, in violation of this Act, in the employment or on the premises of another so sends, ships, brings or carries, or causes to be sent, shipped, brought or carried, or delivers to any consignee or other person, or stores, warehouses, or keeps any intoxicating liquor, or packages containing intoxicating liquors, not so labelled, shall on summary conviction be liable to the same penalty as the principal. 40

Interpretation "intoxicating liquor."

6. In this Act the expression "intoxicating liquor" shall include all spirituous or malt liquors, and all combinations of liquors, and drinkable liquids, which are intoxicating, and also all malt beer and other liquids containing over three per cent of alcohol by volume. 45

Place of prosecution.

7. Prosecutions for any offence under this Act may be brought and carried on and a conviction had in the city or town or other municipality from which any intoxicating liquor is sent, shipped, brought or carried as aforesaid, or in the city, town or other 50

municipality to or into or which such intoxicating liquor is so sent, brought, shipped, delivered, stored or warehoused.

8. All intoxicating liquors with respect to which any such offence has been committed, and all kegs, barrels, cases, bottles, 5 packages, or other receptacles of any kind in which such liquors are contained shall be forfeited. Forfeiture.

9. If it is proved upon oath before any judge of the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power 10 or authority of two or more justices of the peace, that there is reasonable cause to suspect that any intoxicating liquor is stored, warehoused or kept for delivery, in violation of this Act, in any dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building, or other place or places, such officer may 15 grant a warrant to search in the daytime such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building, or other place or places, for such intoxicating liquor, and if the same or any part thereof is there found, to bring the same before him. Search warrant.

2. Any information under this section may be in the form A 20 in the schedule to this Act, and any search warrant under this section may be in the form B in the said schedule. Forms.

## SCHEDULE.

### FORM A.

*Information to obtain a search warrant.*

Canada. }  
Province of }  
District (or county, or as }  
the case may be) of }

The information of K. L. of \_\_\_\_\_ in the said district (or county, or as the case may be) of \_\_\_\_\_, yeoman, (or other occupation) taken this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord \_\_\_\_\_ before me, W. S., esquire, a magistrate having the power of two justices of the peace in and for the said district (or county, or as the case may be) of \_\_\_\_\_, who saith that he hath just and reasonable cause to suspect and doth suspect that intoxicating liquor is stored (or is warehoused or is kept for delivery) in violation of the Act entitled "An Act to regulate the Transportation of Intoxicating Liquors," in the dwelling house (or store, etc.) of P. Q., of \_\_\_\_\_, in the said district (or county, or as the case may be) (here add the cause of suspicion). Wherefore he prays that a search warrant may be granted him to search the dwelling house (etc.,) of the said P. Q. as aforesaid for the said intoxicating liquor.

Sworn (*or affirmed*) on the day and year first above mentioned  
 at \_\_\_\_\_ in the said district (*or county, or as the case*  
*may be*) of \_\_\_\_\_ before me.

(*signature*) \_\_\_\_\_ W. S.,  
 Recorder (*or Police Magistrate*  
*or as the case may be*) of \_\_\_\_\_

FORM B.

*Form of Search Warrant.*

Canada }  
 Province of }  
 District (*or county, or as*  
*the case may be*) of \_\_\_\_\_ }

To all or any of the constables or other peace officers in the  
 district (*or county, or as the case may be*) of \_\_\_\_\_

Whereas K. L., of the \_\_\_\_\_ of \_\_\_\_\_ in the said  
 district (*or county, or as the case may be*) yeoman, hath this day  
 made oath before the undersigned, a magistrate having the  
 power of two justices of the peace in and for the said district  
 (*or county, or as the case may be*) of \_\_\_\_\_ that he hath just  
 and reasonable cause to suspect and doth suspect that intoxi-  
 cating liquor is stored (*or is warehoused, or is kept for delivery*),  
 in violation of the Act entitled "An Act to regulate the Trans-  
 portation of Intoxicating Liquors," in the dwelling house (*or*  
*store, etc.*) of one P. Q., of \_\_\_\_\_, in the said district  
 (*or county, or as the case may be*) of \_\_\_\_\_

These are therefore, in the name of Our Sovereign Lord the  
 King, to authorize and require you, and each and every of you,  
 with necessary and proper assistance, to enter in the day time  
 into the said dwelling house (*or store, etc.*) of the said P. Q. and  
 there diligently search for the said intoxicating liquor; and if  
 the same or any part thereof shall be found upon such search  
 that you bring the intoxicating liquor so found and also all  
 barrels, kegs, cases, boxes, packages, and other receptacles of  
 any kind whatsoever containing the same before me to be dis-  
 posed of and dealt with according to law.

Given under my hand and seal at \_\_\_\_\_ in the said dis-  
 trict (*or county, or as the case may be*) of \_\_\_\_\_ this  
 day of \_\_\_\_\_ in the year of Our Lord,

(Seal) \_\_\_\_\_ W. S.,  
 Recorder (*or Police Magistrate or*  
*as the case may be*) of \_\_\_\_\_



THE SENATE OF CANADA.

BILL

M

An Act to regulate the Transportation of  
Intoxicating Liquors.

Received and read a first time,  
Tuesday, 25th January, 1910.  
Second reading,  
Friday, 28th January, 1910.

Honourable Sir RICHARD SCOTT, Kt.

OTTAWA  
Printed by C. H. PARMELEE  
Printer to the King's most Excellent Majesty  
1909-10

## THE SENATE OF CANADA.

### BILL N.

An Act for the relief of Hope Eileen Moreland Drinkle.

**W**HEREAS Hope Eileen Moreland Drinkle, presently residing Preamble.  
at the city of Winnipeg, in the province of Manitoba,  
wife of John Clarence Drinkle, of the city of Saskatoon, in the  
province of Saskatchewan, furniture dealer and real estate  
5 agent, has by her petition alleged, in effect, that they were  
lawfully married on the first day of June, A.D. 1904, at the  
city of St. Paul, State of Minnesota, one of the United States  
of America, she then being Hope Eileen Moreland Burnham,  
spinster; that the legal domicile of the said John Clarence  
10 Drinkle was then and is now in Canada; that at the city of  
Toronto, in the province of Ontario, during the period between  
the second and tenth days of March, A.D. 1908, he committed  
adultery; that she has not connived at nor condoned the said  
adultery; that there has been no collusion, directly or indirectly,  
15 between him and her in the proceedings for divorce; and whereas  
by her petition she has prayed for the passing of an Act dissolv-  
ing her said marriage, authorizing her to marry again, and  
affording her such other relief as is deemed meet; and whereas  
the said allegations have been proved, and it is expedient that  
20 the prayer of her petition be granted: Therefore His Majesty,  
by and with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows:—

**1.** The said marriage between Hope Eileen Moreland Burn- Marriage  
ham and John Clarence Drinkle, her husband, is hereby dis- dissolved.  
25 solved, and shall be henceforth null and void to all intents and  
purposes whatsoever.

**2.** The said Hope Eileen Moreland Burnham may at any Right to  
time hereafter marry any man whom she might lawfully marry marry again.  
if the said marriage with the said John Clarence Drinkle had  
30 not been solemnized.

THE SENATE OF CANADA.

BILL

N

An Act for the relief of Hope Eliee  
Moreland Drinkle.

Received and read a first time,

Thursday, 27th January, 1910.

Second reading,

Tuesday, 1st February, 1910.

Honourable Mr. Douglas.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty

1909-10

BILL AS PASSED FEBRUARY 3, 1910.

## THE SENATE OF CANADA.

### BILL N.

An Act for the relief of Hope Eileen Moreland Drinkle.

**W**HEREAS Hope Eileen Moreland Drinkle, presently residing Preamble.  
 at the city of Winnipeg, in the province of Manitoba,  
 wife of John Clarence Drinkle, of the city of Saskatoon, in the  
 province of Saskatchewan, furniture dealer and real estate  
 5 agent, has by her petition alleged, in effect, that they were  
 lawfully married on the first day of June, A.D. 1904, at the  
 city of St. Paul, state of Minnesota, one of the United States  
 of America, she then being Hope Eileen Moreland Burnham,  
 spinster; that the legal domicile of the said John Clarence  
 10 Drinkle was then and is now in Canada; that at the city of  
 Toronto, in the province of Ontario, during the period between  
 the second and tenth days of March, A.D. 1908, he committed  
 adultery; that she has not connived at nor condoned the said  
 adultery; that there has been no collusion, directly or indirectly,  
 15 between him and her in the proceedings for divorce; and whereas  
 by her petition she has prayed for the passing of an Act dissolv-  
 ing her said marriage, authorizing her to marry again, and  
 affording her such other relief as is deemed meet; and whereas  
 the said allegations have been proved, and it is expedient that  
 20 the prayer of her petition be granted: Therefore His Majesty,  
 by and with the advice and consent of the Senate and House of  
 Commons of Canada, enacts as follows:—

1. The said marriage between Hope Eileen Moreland Burn- Marriage  
 ham and John Clarence Drinkle, her husband, is hereby dis- dissolved.  
 25 solved, and shall be henceforth null and void to all intents and  
 purposes whatsoever.

2. The said Hope Eileen Moreland Burnham may at any Right to  
 time hereafter marry any man whom she might lawfully marry marry again.  
 if the said marriage with the said John Clarence Drinkle had  
 30 not been solemnized.



## THE SENATE OF CANADA.

### BILL O.

An Act for the relief of Frederick Joseph Gustin  
McArthur.

**W**HEREAS Frederick Joseph Gustin McArthur, of the city Preamble.  
of Winnipeg, in the province of Manitoba, Barrister-at-  
Law, has by his petition alleged, in effect, that on the seventh  
day of January, A.D. 1903, at the town of Seaforth, province  
5 of Ontario, he was lawfully married to Mary Ann Soole; that  
she was then of the said town of Seaforth, a spinster; that  
his legal domicile was then and is now in Canada; that at the  
residence of one William Morrison near the village of Bordon,  
in the province of Saskatchewan, during the period between the  
10 twenty-second day of April, A.D. 1909 and the fourteenth day  
of August, A.D. 1909, she lived with the said William Morrison  
as wife with husband and thereby committed adultery, and was  
so living with the said William Morrison on the said fourteenth  
day of August, A.D. 1909; that he has not connived at nor  
15 condoned the said adultery; that there has been no collusion  
directly or indirectly, between him and her in the proceedings for  
divorce; and whereas by his petition he has prayed for the pass-  
ing of an Act dissolving his said marriage, authorizing him to  
marry again, and affording him such other relief as is deemed  
20 meet; and whereas the said allegations have been proved, and  
it is expedient that the prayer of his petition be granted: There-  
fore His Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as follows:—

**1.** The said marriage between Frederick Joseph Gustin <sup>Marriage</sup>  
25 McArthur and Mary Ann Soole, his wife, is hereby dissolved, <sup>dissolved.</sup>  
and shall be henceforth null and void to all intents and purposes  
whatsoever.

**2.** The said Frederick Joseph Gustin McArthur may at any <sup>Right to</sup>  
time hereafter marry any woman he might lawfully marry if <sup>marry again.</sup>  
30 the said marriage with the said Mary Ann Soole had not been  
solemnized.

THE SENATE OF CANADA.

BILL

0

An Act for the relief of Frederick Joseph  
Gustin McArthur.

Received and read first time,

Tuesday, 1st February, 1910.

Second reading,

Thursday, 3rd February, 1910.

Honourable Mr. WATSON.

OTTAWA

Printed by C. H. PARRELEE

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED FEBRUARY 8, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL O.

An Act for the relief of Frederick Joseph Gustin  
McArthur.

**W**HEREAS Frederick Joseph Gustin McArthur, of the city Preamble. ;  
of Winnipeg, in the province of Manitoba, Barrister-at-  
Law, has by his petition alleged, in effect, that on the seventh  
day of January, A.D. 1903, at the town of Seaforth, province  
5 of Ontario, he was lawfully married to Mary Ann Soole; that  
she was then of the said town of Seaforth, a spinster; that  
his legal domicile was then and is now in Canada; that at the  
residence of one William Morrison near the village of Borden,  
in the province of Saskatchewan, during the period between the  
10 twenty-second day of April, A.D. 1909 and the fourteenth day  
of August, A.D. 1909, she lived with the said William Morrison  
as wife with husband and thereby committed adultery, and was  
so living with the said William Morrison on the said fourteenth  
day of August, A.D. 1909; that he has not connived at nor  
15 condoned the said adultery; that there has been no collusion  
directly or indirectly, between him and her in the proceedings for  
divorce; and whereas by his petition he has prayed for the pass-  
ing of an Act dissolving his said marriage, authorizing him to  
marry again, and affording him such other relief as is deemed  
20 meet; and whereas the said allegations have been proved, and  
it is expedient that the prayer of his petition be granted: There-  
fore His Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as follows:—

**1.** The said marriage between Frederick Joseph Gustin Marriage  
25 McArthur and Mary Ann Soole, his wife, is hereby dissolved, dissolved.  
and shall be henceforth null and void to all intents and purposes  
whatsoever.

**2.** The said Frederick Joseph Gustin McArthur may at any Right to  
time hereafter marry any woman he might lawfully marry if marry again. 1.  
30 the said marriage with the said Mary Ann Soole had not been  
solemnized.

THE SENATE OF CANADA.

BILL

U

An Act for the relief of Frederick Joseph  
Gustin McArthur.

Received and read first time,

Tuesday, 1st February, 1910.

Second reading,

Thursday, 3rd February, 1910.

Honourable Mr. WATSON.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

## THE SENATE OF CANADA.

### BILL P.

An Act for the relief of Jessie Maud Mary Maxwell.

WHEREAS Jessie Maud Mary Maxwell, presently residing Preamble.  
at the city of Port Arthur, in the province of Ontario,  
wife of Robert William Maxwell, formerly of the said city of  
Port Arthur, in the province of Ontario, painter, has by her  
5 petition alleged, in effect, that they were lawfully married on  
the twenty-sixth day of February, A.D. 1906, at the said city of  
Port Arthur, she then being Jessie Maud Mary Skippen, spinster,  
that the legal domicile of the said Robert William Maxwell was  
then and is now in Canada; that at the town of Kenora, in the  
10 province of Ontario, on or about the sixth day of October,  
A.D. 1906, he committed adultery with a woman whose name is  
unknown; that she has not connived at nor condoned the said  
adultery; that there has been no collusion, directly or indirectly,  
between him and her in the proceedings for divorce; and  
15 whereas by her petition she has prayed for the passing of an  
Act dissolving her said marriage, authorizing her to marry  
again, and affording her such other relief as is deemed meet;  
and whereas the said allegations have been proved, and it is  
expedient that the prayer of her petition be granted: Therefore  
20 His Majesty, by and with the advice and consent of the Senate  
and House of Commons of Canada, enacts as follows:—

1. The said marriage between Jessie Maud Mary Skippen Marriage  
and Robert William Maxwell, her husband, is hereby dissolved, dissolved.  
and shall be henceforth null and void to all intents and purposes  
25 whatsoever.

2. The said Jessie Maud Mary Skippen may at any time Right to  
hereafter marry any man whom she might lawfully marry if the marry again.  
said marriage with the said Robert William Maxwell had not  
been solemnized.

THE SENATE OF CANADA

BILL P.

An Act for the relief of Jessie Maud Mary Maxwell.

WHEREAS Jessie Maud Mary Maxwell, presently residing at the city of Port Arthur, in the province of Ontario, wife of Robert William Maxwell, formerly of the said city of Port Arthur, in the province of Ontario, painter, has by her petition alleged, in effect, that they were lawfully married on the twenty-sixth day of February, A.D. 1906, at the said city of Port Arthur, she then being Jessie Maud Mary Skippen, and that the legal domicile of the said Robert William Maxwell was then and is now in Canada; that at the town of Kenora, in the province of Ontario, on or about the sixth day of October, A.D. 1906, he committed adultery with a woman whose name is unknown, that she has not consorted at any time since the said adultery; that there has been no collusion, direct or indirect, between him and her in the proceedings for divorce; and that the said Jessie Maud Mary Skippen has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affecting her said right as a divorced wife; and whereas the said petition has been proved, and it is expedient that the prayer of her petition be granted; His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said marriage between Jessie Maud Mary Skippen and Robert William Maxwell, her husband, is hereby dissolved, and shall be henceforth void and void to all intents and purposes whatsoever.

2. The said Jessie Maud Mary Skippen may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert William Maxwell had not been solemnized.

THE SENATE OF CANADA.

BILL

P

An Act for the relief of Jessie Maud Mary Maxwell.

Received and read a first time,

Thursday, 3rd February, 1910.

Second reading,

Thursday, 10th February, 1910.

Honourable Mr. EDWARDS.

OTTAWA

Printed by C. H. PARRELL

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED FEBRUARY 15, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL P.

An Act for the relief of Jessie Maud Mary Maxwell.

**W**HEREAS Jessie Maud Mary Maxwell, presently residing Preamble.  
 at the city of Port Arthur, in the province of Ontario,  
 wife of Robert William Maxwell, formerly of the said city of  
 Port Arthur, in the province of Ontario, painter, has by her  
 5 petition alleged, in effect, that they were lawfully married on  
 the twenty-sixth day of February, A.D. 1906, at the said city of  
 Port Arthur, she then being Jessie Maud Mary Skippen, spinster,  
 that the legal domicile of the said Robert William Maxwell was  
 then and is now in Canada; that at the town of Kenora, in the  
 10 province of Ontario, on or about the sixth day of October.  
 A.D. 1906, he committed adultery with a woman whose name is  
 unknown; that she has not connived at nor condoned the said  
 adultery; that there has been no collusion, directly or indirectly,  
 between him and her in the proceedings for divorce; and  
 15 whereas by her petition she has prayed for the passing of an  
 Act dissolving her said marriage, authorizing her to marry  
 again, and affording her such other relief as is deemed meet;  
 and whereas the said allegations have been proved, and it is  
 expedient that the prayer of her petition be granted: Therefore  
 20 His Majesty, by and with the advice and consent of the Senate  
 and House of Commons of Canada, enacts as follows:—

1. The said marriage between Jessie Maud Mary Skippen Marriage  
 and Robert William Maxwell, her husband, is hereby dissolved, dissolved.  
 and shall be henceforth null and void to all intents and purposes  
 25 whatsoever.

2. The said Jessie Maud Mary Skippen may at any time Right to  
 hereafter marry any man whom she might lawfully marry if the marry again.  
 said marriage with the said Robert William Maxwell had not  
 been solemnized.

THE SENATE OF CANADA.

BILL

P

An Act for the relief of Jessie Maud Mary Maxwell.

Received and read a first time,

Thursday, 3rd February, 1910.

Second reading,

Thursday, 10th February, 1910,

Honourable Mr. EDWARDS.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

THE SENATE OF CANADA.

BILL Q.

An Act respecting The Kingston, Smith's Falls and Ottawa Railway Company.

**W**HEREAS The Kingston, Smith's Falls and Ottawa 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.  
1887, c. 88.  
1889, c. 79.  
1891, c. 95.  
1896 (1 Sess.)  
c. 22.  
1905, c. 114.

**1.** Notwithstanding anything contained in chapter 114 of the statutes of 1905, or in any of the Acts mentioned in the schedule to that chapter, The Kingston, Smith's Falls and Ottawa Railway Company may, within two years after the passing of this Act, commence the construction of the railway authorized by the Acts relating to the Company and expend thereon fifteen per cent of the capital stock; and may, within five years after the passing of this Act, complete and put in operation the said railway; and if the said railway is not so completed and such expenditure is not so made, or if the said railway is not so completed within the said respective periods, the powers of construction granted by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Time for construction extended.  
1905, c. 114.

**2.** The following enactments are hereby repealed:—

Repeal of former limitations of time for construction.

Year.	Chapter.	Extent of Repeal.
1889.....	79	Section 2.
1891.....	95	Section 1.
1896 (1st Session).....	22	The whole Act.
1905.....	114	The whole Act.

THE SENATE OF CANADA.

BILL

Q

An Act respecting The Kingston, Smith's Falls and Ottawa Railway Company.

Received and read a first time,

Thursday, 3rd February, 1910.

Second reading.

Thursday, 10th February, 1909.

Honourable Mr. DERBYSHIRE.

OTTAWA

Printed by C. H. PARRELL

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED FEBRUARY 18, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL Q.

An Act respecting The Kingston, Smith's Falls and Ottawa Railway Company.

**W**HEREAS The Kingston, Smith's Falls and Ottawa 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.  
1887, c. 88.  
1889, c. 79.  
1891, c. 95.  
1896 (1 Sess.)  
c. 22.  
1905, c. 114.

**1.** Notwithstanding anything contained in chapter 114 of the statutes of 1905, or in any of the Acts mentioned in the schedule to that chapter, The Kingston, Smith's Falls and Ottawa Railway Company may, within two years after the passing of this Act, commence the construction of the railway authorized by the Acts relating to the Company and expend thereon fifteen per cent of the capital stock; and may, within five years after the passing of this Act, complete and put in operation the said railway; and if the said railway is not so completed and such expenditure is not so made, or if the said railway is not so completed, within the said respective periods, the powers of construction granted by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Time for construction extended.  
1905, c. 114.

**2.** The following enactments are hereby repealed:—

Repeal of former limitations of time for construction.

Year.	Chapter.	Extent of Repeal.
1889.....	79	Section 2.
1891.....	95	Section 1.
1896 (1st Session).....	22	The whole Act.
1905.....	114	The whole Act.



## THE SENATE OF CANADA.

### BILL R.

An Act to incorporate The Montreal, Kapitachuan and Rupert's Bay Railway Company.

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

**1.** H. A. Fortier, advocate, of the city of Hull, in the province of Quebec, the Reverend Joseph A. Grenier, of Mont-Laurier in the said province, Joseph T. Marchant, Clement Robillard, L. J. Tarte, Arthur Berthiaume, Louis Payette, Louis A. Lapointe and Godfroy Langlois, all of the city of Montreal in the said province, together with such other persons as become shareholders in the company are hereby incorporated under the name of "The Montreal, Kapitachuan and Rupert's Land Railway Company," hereinafter called "the Company."

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

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

**4.** The head office of the Company shall be in the city of Montreal, in the county of Hochelaga, in the province of Quebec.

**5.** The annual meeting of the shareholders shall be held on the first day of September.

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

**7.** The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on the St. Lawrence River, in the county of Hochelaga, in the province of Quebec, northerly, through the counties of Maisonneuve, Laval, Two Mountains, Argenteuil, Labelle and Pontiac, to reach a point at or near L'Original Rapids, thence to a point at or near Kapitachuan Lake to cross and connect with the main line of The Grand Trunk Pacific Railway Company, and thence to Rupert's Bay.

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. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being

THE SENATE OF CANADA.

BILL

R

An Act to incorporate The Montreal Kapitachuan and Rupert's Bay Railway Company.

Received and read first time,

Thursday, 3rd February, 1910.

Second reading,

Tuesday, 8th February, 1910.

Honourable Mr. YOUNG.

OTTAWA

Printed by C. H. PARRELL

Printer to the King's most Excellent Majesty  
1909-10

167

BILL AS PASSED MARCH 11, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

# THE SENATE OF CANADA.

## BILL R.

An Act to incorporate The Montreal, Kapitachuan and Rupert's Bay Railway Company.

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

Preamble.

**1.** H. A. Fortier, advocate, of the city of Hull, in the province of Quebec, the Reverend Joseph A. Grenier, of Mont-Laurier in the said province, Joseph T. Marchant, Clement Robillard, L. J. Tarte, Arthur Berthiaume, Louis Payette, Louis A. Lapointe and Godfroy Langlois, all of the city of Montreal in the said province, together with such other persons as become shareholders in the company are hereby incorporated under the name of "The Montreal, Kapitachuan and Rupert's Land Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Provisional directors.

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

Capital.

**4.** The head office of the Company shall be in the city of Montreal, in the county of Hochelaga, in the province of Quebec.

Head office.

**5.** The annual meeting of the shareholders shall be held on the first day of September.

Annual meeting.

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

Directors.

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 St. Lawrence River, in the county of Hochelaga, in the province of Quebec, northerly, through the counties of Maisonneuve, Laval, Two Mountains, Argenteuil, Labelle and Pontiac, 5 to reach a point at or near L'Original Rapids, thence to a point at or near Kapitachuan Lake to cross and connect with the main line of The Grand Trunk Pacific Railway Company, and thence to Rupert's Bay.

Issue of  
securities.

8. The securities issued by the Company shall not exceed 10 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.

R-2

## THE SENATE OF CANADA.

### BILL S.

#### An Act to incorporate The Retail Merchants' Association of Canada.

WHEREAS the persons named in section 1 of this Act are members of a voluntary association known as "The Retail Merchants' Association of Canada," and have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. J. W. Watson, J. O. Gareau, W. U. Boivin, O. Lemire, A. Rouleau, J. P. Gervis, A. S. Lavallée, E. P. Ronayne, C. R. La-  
10 Salle, O. P. Demontigny, J. G. A. Filion, J. E. Tremble, J. E. W. Lecours, P. Leduc, J. D. A. Godbout, M. Albert, P. Daoust, J. A. Labonté, A. Leniel, J. D. Boileau, J. A. Doré, A. Sarrazin, J. I. Lussier, Arthur Leger, Joseph Versailles, François Martineau, O. Normandin, J. A. Beaudry, all of the city and district of  
15 Montreal, in the province of Quebec; P. J. Coté, T. Béland, L. E. Martel, L. F. Falardeau, J. P. Bertrand, all of the city and district of Quebec, in the said province; L. A. Bayley, of the city of Sherbrooke, in the said province; L. F. Herbert, of the city of Lachine, in the district of Montreal, in the said province;  
20 Alb. Gervais, of the town of Joliette, in the said province; John Hargreaves, G. J. S. Leger, S. R. Hanna, H. Russell, W. Dineen, R. W. Dockeray, W. Mann, R. E. Walker, G. M. Petrie, S. Corrigan, F. C. Higgins, George Good, A. M. Hobberlin, E. S. Coryell, M. Moyer, John Willmot, F. Fuerst, E. M. Trowern, A.  
25 Adamson, E. R. Reynolds, R. H. Pill, J. A. Johnson, J. I. I. Anderson, W. Fegan, J. S. Bond, A. Britnell, all of the city of Toronto, in the province of Ontario; H. C. Ellis, H. Watters, F. Ford, all of the city of Ottawa, in the province of Ontario; Adam Ballentine and G. S. Klein, of the city of Hamilton, in  
30 the province of Ontario; B. W. Ziemann, of Preston, in the province of Ontario; A. L. Geen, of the city of Belleville, in the province of Ontario; C. S. Kelly, of the city of Guelph, in the province of Ontario; A. M. Patterson, of Brockville, in the province of Ontario; Robert Fair, of Peterborough, in the province of Ontario; G. Hamilton, of Galt, in the province of Ontario; all merchants of Canada, together with such other persons as become members of the association, are hereby incorporated under the name of "The Retail Merchants' Association of Canada," hereinafter called "the Association."

Preamble.

Incorporation.

Corporate name.

- Objects.**           **2.** The objects of the Association shall be—
- (a) the promotion of the industrial and commercial interests of the retail merchants of Canada;
  - (b) the collection and publication of information and statistics relating to or concerning such interests;           5
  - (c) the arbitration and settlement of trade disputes arising between any of its members;
  - (d) the procuring and furnishing to its members information as to the solvency of persons who deal with any of its members; and           10
  - (e) generally, all such other lawful objects for promoting the trade interests of its members as may from time to time be determined by the Association.
- By-laws.**           **3.** The Association may make by-laws for:—
- (a) the administration, management and control of the property, business and other affairs of the Association;   15
  - (b) the conditions of membership in the Association;
  - (c) the election, appointment, functions, duties and remuneration of all directors, officers, agents and servants of the Association;           20
  - (d) the appointment of committees and their duties;
  - (e) the calling of meetings, regular or special, of the Association or of committees;
  - (f) the fixing of the necessary quorum and procedure in all things at such meetings;           25
  - (g) the organization of local branches of the Association in any part of any province in Canada, and the definition of the constitution, government, powers and functions of every such branch, but so as to not exceed the powers of the Association itself under this Act;           30
  - (h) generally, for the carrying out of the objects and purposes of the Association.
- Head office.**       **4.** The head office of the Association shall be at the city of Toronto, in the province of Ontario, but may be changed from time to time, by by-law of the Association, to any other place in Canada.           35
- Board of directors.**   **5.** The property, business and affairs of the Association shall be administered by a board of directors composed of such of the officers as are designated by by-law together with so many members of the Association from each province of Canada as are so designated.           40
- Real property.**       **6.** The Association may receive, acquire, accept and hold real property by gift, purchase, devise, bequest, lease or otherwise, for the purposes of the Association, and may sell, lease, invest or otherwise dispose thereof in such manner as it may deem advisable for such purposes: Provided, however, that the annual value of the real estate held by the Association shall not exceed the sum of fifty thousand dollars.           45
- Limit as to value.**
- Acquisition of assets of existing association.**   **7.** The Association may acquire the assets of the said voluntary association, and in case of such acquisition the Association shall assume all the liabilities of the said voluntary association.   50

8. If authorized thereto by by-law the board of directors may, from time to time, for the purposes of the Association, make, draw, accept, endorse or become party to promissory notes and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the officer thereto authorized by the by-laws of the Association or countersigned by the proper officer of the Association, shall be binding upon the Association, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown; and it shall not be necessary in any case to have the seal of the Association affixed to any such note or bill.

Promissory  
notes and  
bills.

2. No officer of the Association so authorized as aforesaid, shall be individually responsible for any such promissory note or bill of exchange made, drawn, accepted or endorsed, or countersigned by him, unless such promissory note or bill of exchange has been issued without proper authority.

Liability of  
officers in  
respect of  
notes and  
bills.

9. Until altered or repealed in accordance with the provisions of this Act the existing constitution and by-laws of the said voluntary association, in so far as they are not contrary to law or the provisions of this Act, shall continue to be the constitution and by-laws of the Association. The present directors and officers of the said voluntary association shall continue to be the directors and officers of the Association until replaced by others under the provisions of this Act.

Constitution  
and by-laws  
of existing  
association  
continued  
till altered.

THE SENATE OF CANADA.

**BILL**

**S**

An Act to incorporate The Retail Merchants' Association of Canada.

Received and read a first time,

Thursday, 3rd February, 1910.

Second reading,

Tuesday, 8th February, 1910.

Honourable Mr. YOUNG.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty

1909-10

## THE SENATE OF CANADA.

### BILL S.

An Act to incorporate The Retail Merchants' Association of Canada.

**W**HEREAS the persons named in section 1 of this Act are Preamble. members of a voluntary association known as "The Retail Merchants' Association of Canada," and have by their petition prayed that it be enacted as hereinafter set forth, and it is  
5 expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. J. W. Watson, J. O. Gareau, W. U. Boivin, O. Lemire, A. Rouleau, J. P. Gervais, A. S. Lavallée, E. P. Ronayne, C. R. La-  
10 Salle, O. P. Demontigny, J. G. A. Filion, J. E. Tremble, J. E. W. Lecours, P. Leduc, J. D. A. Godbout, M. Albert, P. Daoust, J. A. Labonté, A. Leniel, J. D. Boileau, J. A. Doré, A. Sarrazin, J. I. Lussier, Arthur Leger, Joseph Versailles, François Martineau, O. Normandin, J. A. Beaudry, all of the city and district of  
15 Montreal, in the province of Quebec; P. J. Côté, T. Béland, L. E. Martel, L. F. Falardeau, J. P. Bertrand, all of the city and district of Quebec, in the said province; L. A. Bayley, of the city of Sherbrooke, in the said province; L. F. Herbert, of the city of Lachine, in the district of Montreal, in the said province;  
20 Alb. Gervais, of the town of Joliette, in the said province; John Hargreaves, G. J. S. Leger, S. R. Hanna, H. Russell, W. Dineen, R. W. Dockeray, W. Mann, R. E. Walker, G. M. Petrie, S. Corrigan, F. C. Higgins, George Good, A. M. Hobberlin, E. S. Coryell, M. Moyer, John Willmot, F. Fuerst, E. M. Trowern, A.  
25 Adamson, E. R. Reynolds, R. H. Pill, J. A. Johnson, J. I. I. Anderson, W. Fegan, J. S. Bond, A. Britnell, all of the city of Toronto, in the province of Ontario; H. C. Ellis, H. Watters, F. Ford, all of the city of Ottawa, in the province of Ontario; Adam Ballentine and G. S. Klein, of the city of Hamilton, in  
30 the province of Ontario; B. W. Ziemann, of Preston, in the

province of Ontario; A. L. Geen, of the city of Belleville, in the province of Ontario; C. S. Kelly, of the city of Guelph, in the province of Ontario; A. M. Patterson, of Brockville, in the province of Ontario; Robert Fair, of Peterborough, in the province of Ontario; and G. Hamilton, of Galt, in the province of Ontario, all being merchants of Canada, together with such other persons as become members of the Association, are hereby incorporated under the name of "The Retail Merchants' Association of Canada," hereinafter called "the Association."

Corporate name.

- Objects.**           **2.** The objects of the Association shall be— 10
- (a) the promotion of the industrial and commercial interests of the retail merchants of Canada;
  - (b) the collection and publication of information and statistics relating to or concerning such interests;
  - (c) the arbitration and settlement of trade disputes arising between any of its members; 15
  - (d) the procuring and furnishing to its members information as to the solvency of persons who deal with any of its members; and
  - (e) generally, all such other lawful and similar objects for promoting the trade interests of its members as may from time to time be determined by the Association. 20

By-laws.

- 3.** The Association may make by-laws for:—
- (a) the administration, management and control of the property, business and other affairs of the Association; 25
  - (b) the conditions of membership in the Association;
  - (c) the election, appointment, functions, duties and remuneration of all directors, officers, agents and servants of the Association;
  - (d) the appointment of committees and their duties; 30
  - (e) the calling of meetings, regular or special, of the Association or of committees;
  - (f) the fixing of the necessary quorum and procedure in all things at such meetings;
  - (g) the organization of local branches of the Association in any part of any province in Canada, and the definition of the constitution, government, powers and functions of every such branch, but so as to not exceed the powers of the Association itself under this Act; 35
  - (h) generally, for the carrying out of the objects and purposes of the Association. 40

Head office.

**4.** The head office of the Association shall be at the city of Toronto, in the province of Ontario, but may be changed from time to time, by by-law of the Association, to any other place in Canada. 45

5. The property, business and affairs of the Association shall be administered by a board of directors composed of not less than nine, and of such of the officers as are designated by by-law together with so many members of the Association from each province of Canada as are so designated.

Board of directors.

6. The Association may receive, acquire, accept and hold real property by gift, purchase, devise, bequest, lease or otherwise, for the purposes of the Association, and may sell, lease, invest or otherwise dispose thereof in such manner as it may deem advisable for such purposes: Provided, however, that the annual value of the real estate held by the Association shall not exceed the sum of fifty thousand dollars.

Real property.

Limit as to value.

7. The Association may acquire the assets of the said voluntary association, and in case of such acquisition the Association shall assume all the liabilities of the said voluntary association.

Acquisition of assets of existing association.

8. If authorized thereto by by-law the board of directors may, from time to time, for the purposes of the Association, make, draw, accept, endorse or become party to promissory notes and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the officer thereto authorized by the by-laws of the Association or countersigned by the proper officer of the Association, shall be binding upon the Association, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown; and it shall not be necessary in any case to have the seal of the Association affixed to any such note or bill.

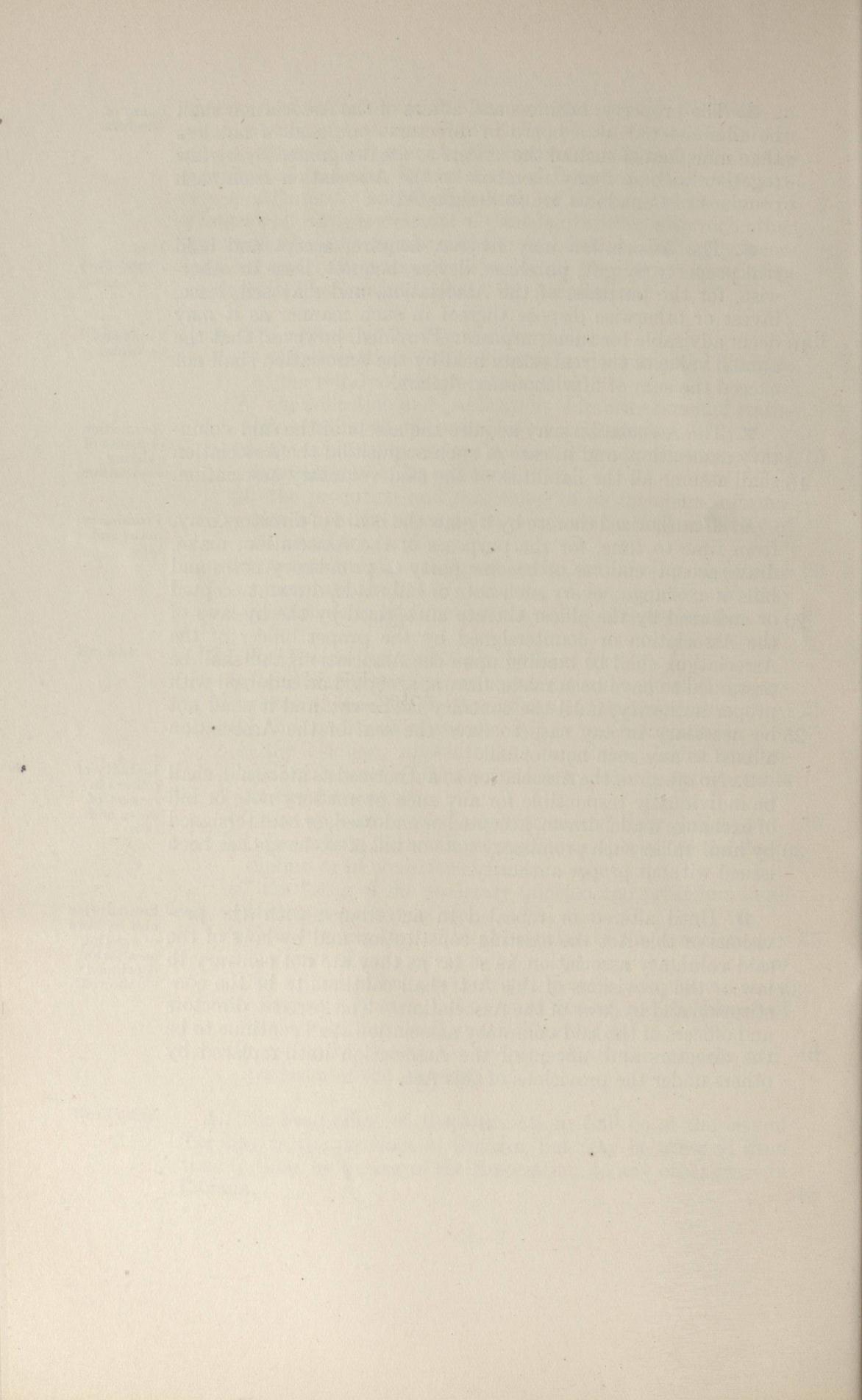
Promissory notes and bills.

2. No officer of the Association so authorized as aforesaid, shall be individually responsible for any such promissory note or bill of exchange made, drawn, accepted or endorsed, or countersigned by him, unless such promissory note or bill of exchange has been issued without proper authority.

Liability of officers in respect of notes and bills.

9. Until altered or repealed in accordance with the provisions of this Act the existing constitution and by-laws of the said voluntary association, in so far as they are not contrary to law or the provisions of this Act, shall continue to be the constitution and by-laws of the Association. The present directors and officers of the said voluntary association shall continue to be the directors and officers of the Association until replaced by others under the provisions of this Act.

Constitution and by-laws of existing association continued till altered.



## THE SENATE OF CANADA.

### BILL T.

An Act for the relief of Archibald Laurie.

WHEREAS Archibald Laurie, of the city of Quebec, in the Preamble.  
province of Quebec, advocate, has by his petition alleged,  
in effect, that on the thirty-first day of January, A.D. 1893,  
at the said city of Quebec, he was lawfully married to Amelia  
5 Jane McCaghey, that she was then of the said city of Quebec,  
a spinster; that his legal domicile was then and is now in Can-  
ada; that at the city of Quebec, in the province of Quebec,  
on or about the twenty-ninth day of August, A.D. 1909, she  
committed adultery with George H. Parke, doctor of medicine;  
10 that he has not connived at nor condoned the said adultery;  
that there has been no collusion directly or indirectly, between  
him and her in the proceedings for divorce; and whereas by his  
petition he has prayed for the passing of an Act dissolving his  
said marriage, authorizing him to marry again, and affording  
15 him such other relief as is deemed meet; and whereas the said  
allegations have been proved, and it is expedient that the  
prayer of his petition be granted: Therefore His Majesty, by  
and with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows:—

20 1. The said marriage between Archibald Laurie, and Amelia Marriage  
Jane McCaghey, his wife, is hereby dissolved, and shall be hence- dissolved.  
forth null and void to all intents and purposes whatsoever.

2. The said Archibald Laurie may at any time hereafter Right to  
marry any woman he might lawfully marry if the said marriage marry again.  
25 with the said Amelia Jane McCaghey had not been solemnized.

THE SENATE OF CANADA.

BILL

T

An Act for the relief of Archibald Laurie.

Received and read a first time,

Friday, 4th February, 1910.

Second reading,

Thursday, 10th February, 1910.

Honourable Mr. GILLMOR.

THE SENATE OF CANADA.

BILL T.

An Act for the relief of Archibald Laurie.

**W**HEREAS Archibald Laurie, of the city of Quebec, in the Preamble.  
province of Quebec, advocate, has by his petition alleged,  
in effect, that on the thirty-first day of January, A.D. 1893,  
at the said city of Quebec, he was lawfully married to Amelia  
5 Jane McCaghey, that she was then of the said city of Quebec,  
a spinster; that his legal domicile was then and is now in Can-  
ada; that at the city of Quebec, in the province of Quebec,  
on or about the twenty-ninth day of August, A.D. 1909, she  
committed adultery with George H. Parke, doctor of medicine;  
10 that he has not connived at nor condoned the said adultery;  
that there has been no collusion directly or indirectly, between  
him and her in the proceedings for divorce; and whereas by his  
petition he has prayed for the passing of an Act dissolving his  
said marriage, authorizing him to marry again, and affording  
15 him such other relief as is deemed meet; and whereas the said  
allegations have been proved, and it is expedient that the  
prayer of his petition be granted: Therefore His Majesty, by  
and with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows:—

20 **1.** The said marriage between Archibald Laurie, and Amelia Marriage  
dissolved  
Jane McCaghey, his wife, is hereby dissolved, and shall be hence-  
forth null and void to all intents and purposes whatsoever.

**2.** The said Archibald Laurie may at any time hereafter Right to  
marry again  
marry any woman he might lawfully marry if the said marriage  
25 with the said Amelia Jane McCaghey had not been solemnized.



## THE SENATE OF CANADA.

### BILL U.

#### An Act to incorporate The Northern Quebec Colonization Railway Company.

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

- 1.** Napoleon Drouin, Joseph Picard and Walter Ray, all of  
the city of Quebec, Paul Tourigny, of the town of Victoriaville  
in the province of Quebec, and James B. Phillips, of the town of  
Haileybury, in the province of Ontario, together with such  
10 persons as become shareholders in the Company, are hereby  
incorporated under the name of "The Northern Quebec Colon-  
ization Railway Company", hereinafter called "the Company".
- 2.** The persons named in section 1 of this Act are hereby  
constituted provisional directors of the Company.
- 3.** The capital stock of the Company shall be one million  
15 dollars. No one call thereon shall exceed ten per cent on the  
shares subscribed.
- 4.** The head office of the Company shall be in the city of  
Quebec, in the province of Quebec.
- 5.** The annual meeting of the shareholders shall be held on  
20 the first Tuesday in September.
- 6.** The number of directors shall be not less than five nor  
more than nine, one or more of whom may be paid directors.
- 7.** The Company may lay out, construct and operate a railway  
25 of the gauge of four feet eight and one-half inches,—  
(a) from a point at or near Tadousac, at the mouth of the  
Saguenay River in the province of Quebec; thence running in  
a westerly direction along the north shore of the Saguenay River  
by the most feasible route to a point at or near Lake St. John;  
30 thence in a north-westerly direction by the most feasible route  
to a point between Lake Chibougamau and Lake Mistassini;  
thence in a north-westerly direction by the most feasible route  
to Hannan Bay, in the province of Ontario;

Preamble.

Incorporation.

Corporate name.

Provisional directors.

Capital stock.

Head office.

Annual meeting.

Directors.

Line of railway described.

(b) from a point at or near Lake Chibougamau or Lake Mistassini, thence in a southerly direction by the most feasible route to Weymontachi, a point on the Transcontinental Railway in the province of Quebec.

- Special powers. Vessels. 8. The Company may, for the purposes of its undertaking, 5  
construct, acquire, charter 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 structures to be used to facilitate the carrying on of business in connection therewith. 10
- Buildings.
- Transmission and delivery of power and electricity. 9. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric and other power or energy, and transmit and deliver the same to any place in the district through which the railway is authorized to be built, and receive, transform, 15  
transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof, and collect rates and charges therefor: but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and 20  
charges from time to time.
- R.S., c. 37.
- Consent of municipalities owning electric plant. 2. The Company shall not sell, dispose of, or distribute electric power or energy within, or for use within, the limits of any municipality which owns and operates its own electric lighting or power plant, without the consent, expressed by by-law, of the 25  
council of such municipality.
- Consent of municipalities requiring for telegraph and telephone lines upon highways, etc. R.S., c. 126. 10. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus 30  
power generated by the Company's works and not required for the undertaking of the Company, upon, 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 on with 35  
such municipality.
- Issue of securities. 11. The securities issued by the Company shall not exceed fifty 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. 40
- Issue of securities for other purposes than railway. 12. In addition to the securities authorized by section 11 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital 45  
stock of the Company are present or represented by proxy, from time to time at their discretion, borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or other securities for the acquisition or construction of any of such 50  
vessels or such works, other than the railway, as the Company is

authorized to acquire, construct or operate; but such bonds, debentures, perpetual or terminable debenture stock or other securities shall not exceed in amount the value of the vessels or works in respect of which they are issued.

5 **13.** Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Commissioners of the National Transcontinental Railway, the Grand Trunk Pacific Railway Company, the Grand Trunk  
10 Railway Company of Canada, the Canadian Pacific Railway Company, the Canadian Northern Quebec Railway Company and the Quebec and Montmorency Railway Company, or any of them.

Agreements  
with other  
companies.

R.S., c. 37.

THE SENATE OF CANADA.

BILL

U

An Act to incorporate The Northern  
Quebec Colonization Railway Company

Received and read a first time,

Friday, 11th February, 1910.

Second reading,

Wednesday, 16th February, 1910.

Honourable Mr. TESSIER.

OTTAWA  
Printed by C. H. PARMELEE  
Printer to the King's most Excellent Majesty  
1909-10

## THE SENATE OF CANADA.

### BILL U.

An Act to incorporate The Northern Quebec  
Colonization Railway Company.

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

**1.** Napoleon Drouin, Joseph Picard and Walter Ray, all of Incorpora-  
the city of Quebec, Paul Tourigny, of the town of Victoriaville tion.  
in the province of Quebec, and James B. Phillips, of the town of  
Haileybury, in the province of Ontario, together with such  
10 persons as become shareholders in the Company, are hereby  
incorporated under the name of "The Northern Quebec Colon- Corporate  
ization Railway Company", hereinafter called "the Company". name.

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

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

**4.** The head office of the Company shall be in the city of Head office.  
Quebec, in the province of Quebec.

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

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

25 **7.** The Company may lay out, construct and operate a railway Line of  
of the gauge of four feet eight and one-half inches,— railway  
described

(a) from a point at or near Tadousac, at the mouth of the Saguenay River in the province of Quebec; thence running in a westerly direction along the north shore of the Saguenay River by the most feasible route to a point at or near Lake St. John; thence in a north-westerly direction by the most feasible route to a point between Lake Chibougamau and Lake Mistassini; thence in a north-westerly direction by the most feasible route to Hannan Bay, in the province of Ontario; 5

(b) from a point at or near Lake Chibougamau or Lake Mistassini, thence in a southerly direction by the most feasible route to Weymontachi, a point on the Transcontinental Railway in the province of Quebec. 10

Special powers. Vessels.

8. The Company may, for the purposes of its undertaking, construct, acquire, charter 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 structures to be used to facilitate the carrying on of business in connection therewith. 15

Buildings.

Transmission and delivery of power and electricity.

9. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric and other power or energy, and transmit and deliver the same to any place in the district through which the railway is authorized to be built, and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof, and collect rates and charges therefor: but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time. 20 25

R.S., c. 37.

Consent of municipalities owning electric plant.

2. The Company shall not sell, dispose of, or distribute electric power or energy within, or for use within, the limits of any municipality which owns and operates its own electric lighting or power plant, without the consent, expressed by by-law, of the council of such municipality. 30

Consent of municipalities required for telegraph and telephone lines upon highways, etc.

R.S., c. 126.

10. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines or any lines for the purpose of 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, 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 on with such municipality. 35 40

Issue of securities.

11. The securities issued by the Company shall not exceed fifty thousand dollars per mile of the railway, and may be issued 45

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

12. In addition to the securities authorized by section 11 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, from time to time at their discretion, borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or other securities for the acquisition or construction of any of such vessels or such works, other than the railway, as the Company is authorized to acquire, construct or operate; but such bonds, debentures, perpetual or terminable debenture stock or other securities shall not exceed in amount the value of the vessels or works in respect of which they are issued.

Issue of securities for other purposes than railway.

13. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Commissioners of the National Transcontinental Railway, the Grand Trunk Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Canadian Northern Quebec Railway Company and the Quebec and Montmorency Railway Company, or any of them.

Agreements with other companies.  
R.S., c. 37.



## THE SENATE OF CANADA.

### BILL V.

An Act to amend The Dominion Lands Act.

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

Preamble.

1. Section 16 of *The Dominion Lands Act* is amended by adding the following proviso thereto:—
- “provided that if an entrant for a homestead within any area, in any of the provinces or territories to which this Act applies, which has been selected and set aside by the Governor in Council upon the recommendation of the Minister as suitable for tree culture, or in the event of the death of the entrant his legal representative, proves, in the same manner that fulfilment of the other conditions of homestead entry have to be proved, as in this Act is provided, that at the date of his application for the issue of letters patent for such homestead, there are not less than one thousand healthy trees growing upon such homestead, which such entrant or his legal representative planted thereon and each of which is then not less than one to two inches at its base, the same shall be accepted in lieu of one-half of the cultivation that would otherwise have to be proved to have been done to the lands comprising such homestead.”

1908, c. 20,  
s. 16  
amended.

Conditions of  
issue of  
letters patent  
for  
homestead.

Cultivation  
of tree-  
bearing area.



## THE SENATE OF CANADA.

### BILL W.

An Act respecting The Ottawa, Brockville and St. Lawrence Railway Company.

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

Preamble.  
1900, c. 71;  
1902, c. 88;  
1904, c. 109;  
1906, c. 137;  
1908, c. 140.

**1.** 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 after the sixteenth day of June, one thousand nine hundred and ten, and the said railway may be completed and put in operation within five years after the sixteenth day of June, one thousand nine hundred and ten; and if, within the said periods respectively, the said railway is not commenced and such expenditure is not made, or is not completed and put in operation, the powers of construction conferred on the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Time for construction extended.

**2.** Section 2 of chapter 140 of the statutes of 1908 is hereby repealed.

1908, c. 140,  
s. 2 repealed.

THE SENATE OF CANADA.

BILL

W

An Act respecting The Ottawa, Brockville  
and St. Lawrence Railway Company.

Received and read a first time,

Wednesday, 16th February, 1910.

Second reading,

Tuesday, 22nd February, 1910.

Honourable Mr. DERRYSHIRE.

OTTAWA

Printed by C. H. PARRELL

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED MARCH 4, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL W.

An Act respecting The Ottawa, Brockville and St. Lawrence Railway Company.

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

Preamble.  
1900, c. 71;  
1902, c. 88;  
1904, c. 109;  
1906, c. 137;  
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**1.** 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 after the sixteenth day of June, one thousand nine hundred and ten, and the said railway may be completed and put in operation within five years after the sixteenth day of June, one thousand nine hundred and ten; and if, within the said periods respectively, the said railway is not commenced and such expenditure is not made, or is not completed and put in operation, the powers of construction conferred on the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Time for construction extended.

**2.** Section 2 of chapter 140 of the statutes of 1908 is hereby repealed.

1908, c. 140,  
s. 2 repealed.



## THE SENATE OF CANADA.

### BILL X.

#### An Act to incorporate The Protectorate Life Assurance Company of Canada.

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

1. George Samuel May, manufacturer, Charles Hopewell, Incorporation.  
contractor, George Thomas Brown, insurance broker, Oliver  
Edwards Culbert, barrister-at-law, and J. Ogle Carss, barrister-  
at-law, all of the city of Ottawa in the province of Ontario,  
10 together with such other persons as become shareholders in the  
Company, are hereby incorporated under the name of "The Corporate  
Protectorate Life Assurance Company" hereinafter called "the name.  
Company."

2. The persons named in section 1 of this Act, together with Provisional  
15 such persons, not exceeding eight, as they associate with them directors.  
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  
20 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 gener-  
ally what is necessary to organize the Company.

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

4. The head office of the Company shall be in the city of Head office.  
Ottawa, in the province of Ontario.

2. The directors may, from time to time, establish local advis- Local boards.  
30 ory boards or agencies, either within Canada or elsewhere.

5. So soon as two hundred and fifty thousand dollars of the First general  
capital stock of the Company have been subscribed, and twenty meeting.  
per cent of that amount has been paid into some chartered bank  
in Canada, the provisional directors shall call a general meeting  
35 of the shareholders of the Company at some place to be named in  
the city of Ottawa, at which meeting the shareholders present or

- represented by proxy, who have paid not less than twenty per cent of the amount of shares subscribed for by them, shall elect nine directors, hereinafter called "shareholders' directors."
- Election of shareholders directors.**
- Qualification.** 2. No person shall be a shareholders' director unless he holds in his own name, and for his own use, at least twenty-five shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company. 5
- Election of policy-holders directors.** 6. In addition to the shareholders' directors, at the third annual meeting of the Company, and thereafter at each annual meeting, there shall be elected by the participating policy-holders from among their number six directors who are not shareholders and who are hereinafter called "policy-holders' directors." 10
- Qualification.** 2. Every person, whether he is or is not a shareholder in the Company, whose life is insured under a policy or policies of the Company, for one thousand dollars or upwards, who has paid all premiums then due thereon, and is by the terms of his policy entitled to participate in profits, is referred to in this Act as a holder of a participating policy, and shall be a member of the Company and be entitled to attend and vote, in person or by proxy, at all general meetings of the Company; and every holder of a participating policy of the Company for a sum of not less than one thousand dollars, exclusive of bonus additions or profits, shall be entitled to one vote; but such policy-holders shall not be entitled, as such, to vote for the election of shareholders' directors. Every proxy representing a participating policy-holder must be himself a participating policy-holder and entitled to vote, and any such participating policy-holder who is not a shareholder shall be eligible for election as a policy-holders' director. 20 25 30
- Proxies.**
- Joint meetings.** 3. The policy-holders' directors shall meet with the shareholders' directors and shall have a vote upon all business matters. 30
- Quorum.** 7. At all meetings of the directors a majority of them shall be a quorum for the transaction of business.
- President and Vice-presidents.** 8. The directors shall elect from among themselves a president of the Company and one or more vice-presidents. 35
- Calls on stock.** 9. 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. 40 45
- No subscription reckoned if less than ten per cent paid in cash.** 2. No subscription to the capital stock upon which less than ten per cent has been paid in cash shall be reckoned as part of the amount of capital stock required to be subscribed under this Act. 50

3. No sum paid by any shareholder who has paid in cash less than ten per cent of the amount subscribed by such shareholder shall be reckoned as part of the said sixty-two thousand five hundred dollars required to be paid under subsection 1 of this section.

No payment reckoned if less than ten per cent subscribed is paid in cash.

10. 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.

Annual meeting.

Statement.

11. Notice of the annual meeting shall be given by publication in two issues of *The Canada Gazette* at least fifteen days prior thereto, and also in six consecutive issues of a daily newspaper published at the place where the head office of the Company is situated; and every such notice given after section 6 hereof becomes operative, shall intimate that participating policyholders may, in accordance with the provisions of this Act, vote for and elect six directors.

Notice of annual meeting.

12. At each general meeting of the Company, each shareholder present or represented by proxy, who has paid all calls due upon his shares shall have one vote for each share held by him. Every holder of a proxy representing a shareholder shall be himself a shareholder entitled to vote.

Voting.

Proxies.

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

Business of Company.

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

Power to hold real property.

15. The directors may, from time to time, set apart such portion of the net profits as they deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been so distinguished as having been derived from participating policies, to the extent of not less than ninety per cent thereof; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of such profits which remains undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared.

Distribution of profits.

Paid-up policies to be issued in certain cases.

**16.** Whenever any holder of a policy, other than a term or natural-premium policy, has paid three or more annual premiums thereon and fails to pay further premiums, 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, or to receive extended insurance under the policy for a period proportionate to such cash surrender value. 5

Cash surrender value and duration to be inserted in policy.

2. The sum so ascertained and the duration for which insurance may be extended, based upon the assumption that the policy is not subject to any lien by way of loan or otherwise, shall be inserted in the policy and form a part of the contract between the Company and the insured. 15

Liens to be accounted for.

3. In the event of the policy being subject to any such lien when default is made in payment of a premium as aforesaid, such lien shall be taken into account in fixing the cash surrender value and the paid-up or commuted policy herein referred to. 20

Cash surrender value to be applied to policy.

4. Until the policy-holder elects to accept such cash surrender value or such paid-up and commuted policy, such cash surrender value shall be applied by the Company to maintain the policy in force at its full face value until the whole of the surrender value under the policy is exhausted. 25

Application of R.S., c. 79.

**17.** Part II of The Companies Act, except sections 125, 134, 135, 141, 158, 159, 165, and 168 thereof shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of this Act or of *The Insurance Act*, or of any general Act relating to Insurance passed during the present session of Parliament: Provided, however, that the Company may make loans to his shareholders or policy-holders, not being directors, on the securities mentioned in *The Insurance Act*. 30

R.S., c. 34.

Proviso as to loans.

Application of general Acts relating to insurance.

**18.** This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*, and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts, the latter shall prevail. 40

THE SENATE OF CANADA.

BILL

X

An Act to incorporate The Protectorate Life Assurance Company of Canada.

Received and read a first time,

Wednesday, 16th February, 1910.

Second reading,

Tuesday, 22nd February, 1910.

Honourable Mr. DERRYSHIRE.

OTTAWA

Printed by C. H. PARRELLER

Printer to the King's most Excellent Majesty

1909-10

BILL AS PASSED MARCH 17, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL X.

An Act to incorporate The Protectorate Life Assurance Company of Canada.

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

**1.** George Samuel May, manufacturer, Charles Hopewell, contractor, George Thomas Brown, insurance broker, Oliver Edwards Culbert, barrister-at-law, and J. Ogle Carss, barrister-at-law, all of the city of Ottawa in the province of Ontario, together with such other persons as become shareholders in the Company, are hereby incorporated under the name of "The Protectorate Life Assurance Company" hereinafter called "the Company."

**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; 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.

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

**4.** The head office of the Company shall be in the city of Ottawa, in the province of Ontario.

Local boards. 2. The directors may, from time to time, establish local advisory boards or agencies, either within Canada or elsewhere.

First general meeting. 5. So soon as two hundred and fifty thousand dollars of the capital stock of the Company have been subscribed, and twenty per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders of the Company at some place to be named in the city of Ottawa, at which meeting the shareholders present or represented by proxy, who have paid not less than twenty per cent of the amount of shares subscribed for by them, shall elect not less than five nor more than nine directors, hereinafter called "shareholders' directors," who shall hold office until the first annual meeting after the issue of a license to the Company under *The Insurance Act*. 5

Election of shareholders directors. 2. At the first and second annual meetings after the issue of such license there shall be elected not less than five nor more than nine shareholders' directors, who shall hold office for one year but shall be eligible for re-election. 15

Qualification. 3. No person shall be a shareholders' director unless he holds in his own name, and for his own use, at least twenty-five shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company. 20

Election of policy-holders directors. 6. The Company shall, by by-law passed not less than three months prior to the holding of its third annual meeting after the issue of such license, determine the number of directors to be elected at said annual meeting by the shareholders and participating policy-holders respectively, and the number of policy-holders' directors so determined shall be at least one-third of the total number to be so elected. The Company may by said by-law provide that all the directors of both classes shall be elected for one, two or three years. If the by-law provides for a two-years' or three-years' term of office it may also provide either (a) that the term of office shall be continuous for all directors of both classes, or (b) that a certain proportion, not less than one-third of each class, shall retire annually. At the said annual meeting and each subsequent annual meeting there shall be elected a board as determined by the by-law aforesaid, but such board shall consist of not less than nine nor more than fifteen directors, all of whom shall be eligible for re-election. The shareholders' directors shall be elected by the shareholders and the policy-holders' directors by the participating policy-holders. 25

Qualification. 2. Every person, whether he is or is not a shareholder in the Company, whose life is insured under a policy or policies of the Company, for two thousand dollars or upwards, who has paid all premiums then due thereon, and is by the terms of his policy entitled to participate in profits, is referred to in this Act as a holder of a participating policy, and shall be a member of the 40

Company and be entitled to attend and vote at all general meetings of the Company; and every holder of a participating policy of the Company for a sum of not less than two thousand dollars, exclusive of bonus additions or profits, shall be entitled to one  
5 vote; but such policy-holder shall not be entitled, as such, to vote for the election of shareholders' directors: Provided, how-  
ever, that in the case of liquidation of the Company the policy-  
holder as such member shall not be entitled to share in the dist-  
ribution of the assets or be liable to be placed on the list of  
10 contributories.

3. Every holder of a participating policy or policies for four thousand dollars or upwards, exclusive of bonus additions, upon which no premiums are due, who has paid premiums on such policy or policies for at least three full years and who is not a  
15 shareholder, shall be eligible for election as a policy-holders' director.

4. The policy-holders' directors shall meet with the share-  
holders' directors and shall have a vote upon all business matters.

7. At all meetings of the directors a majority of them shall  
20 be a quorum for the transaction of business.

8. The directors shall elect from among themselves a pre-  
sident of the Company and one or more vice-presidents.

9. The shares of the capital stock subscribed for shall be  
paid by such instalments and at such times and places as the  
25 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  
30 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.

2. No subscription to the capital stock upon which less than  
ten per cent has been paid in cash shall be reckoned as part of  
35 the amount of capital stock required to be subscribed under this  
Act.

3. No sum paid by any shareholder who has paid in cash less  
than ten per cent of the amount subscribed by such shareholder  
shall be reckoned as part of the said sixty-two thousand five  
40 hundred dollars required to be paid under subsection 1 of this  
section.

10. A general meeting of the Company shall be called once in  
each year after the organization of the Company and com-  
mencement of business, at its head office, and at such meeting  
45 a statement of the affairs of the Company shall be submitted.

Notice of annual meeting.

**11.** Notice of the annual meeting shall be given by publication in two issues of *The Canada Gazette* at least fifteen days prior thereto, and also in six consecutive issues of a daily newspaper published at the place where the head office of the Company is situated; and every such notice given after section 6 hereof becomes operative, shall intimate that participating policyholders may, in accordance with the provisions of this Act, vote for and elect six directors. 5

Voting.

**12.** At each general meeting of the Company, each shareholder present or represented by proxy, who has paid all calls due upon his shares shall have one vote for each share held by him. Every holder of a proxy representing a shareholder shall be himself a shareholder entitled to vote. 10

Proxies.

Business of Company.

**13.** The Company may effect contracts of life insurance with any person, and may grant, sell or purchase life annuities and endowments depending upon the contingency of human life, and generally carry on the business of life insurance in all its branches and forms. 15

Power to hold real property.

**14.** The Company may acquire and dispose of any real property required in part or wholly for the use and accommodation of the Company; but the annual value of such property held in any province of Canada, shall not exceed five thousand dollars, except in the province of Ontario, where it shall not exceed ten thousand dollars. 20

Distribution of profits.

**15.** The directors may, from time to time, set apart such portion of the net profits as they deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been so distinguished as having been derived from participating policies, to the extent of not less than ninety per cent thereof; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of such profits which remains undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared. 25 30 35

Paid-up policies to be issued in certain cases.

**16.** Whenever any holder of a policy, other than a term or natural-premium policy, has paid three or more annual premiums thereon and fails to pay further premiums, 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 40 45

upon principles to be adopted by by-law applicable generally to all such cases as may occur, or to receive extended insurance under the policy for a period proportionate to such cash surrender value.

- 5 2. The sum so ascertained and the duration for which insurance may be extended, based upon the assumption that the policy is not subject to any lien by way of loan or otherwise, shall be inserted in the policy and form a part of the contract between the Company and the insured. Cash surrender value and duration to be inserted in policy.
- 10 3. In the event of the policy being subject to any such lien when default is made in payment of a premium as aforesaid, such lien shall be taken into account in fixing the cash surrender value and the paid-up or commuted policy herein referred to. Liens to be accounted for.
- 15 4. Until the policy-holder elects to accept such cash surrender value or such paid-up and commuted policy, such cash surrender value shall be applied by the Company to maintain the policy in force at its full face value until the whole of the surrender value under the policy is exhausted. Cash surrender value to be applied to policy.
- 20 **17.** Part II of The Companies Act, except sections 125, 134, 135, 141, 158, 159, 165, and 168 thereof shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of this Act or of *The Insurance Act*, or of any general Act relating to Insurance passed during the present session of Parliament: Provided, however, that the Company Application of R.S., c. 79.
- 25 may make loans to his shareholders or policy-holders, not being directors, on the securities mentioned in *The Insurance Act*. R.S., c. 34. Proviso as to loans.

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



## THE SENATE OF CANADA.

### BILL Y.

An Act to amend The Government Annuities Act, 1908.

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 Government Annuities Amendment Act, 1910.* Short title.

2. Section 2 of *The Government Annuities Act, 1908*, is 1908, c. 5, s. 2 amended by striking out the words “or who has contracted for the purchase of” in the second line of paragraph (c), and by adding the following paragraph to the said section:—

10 “(d) ‘purchaser’ means any person who has contracted for the purchase of an annuity.” “Purchaser” defined.

3. Section 4 of the said Act is repealed and the following is substituted therefor:— New s. 4.

15 “4. His Majesty, represented and acting by the Minister, may, subject to the provisions of this Act and of any order in council made under the authority of this Act, contract with any person for the sale,— Sale of annuities authorized.

“(a) of an immediate or deferred annuity to any person domiciled in Canada,—

20 (i) for the life of the annuitant;  
(ii) for a term of years certain, not exceeding twenty years, provided the annuitant shall so long live;

(iii) for a term of years certain, not exceeding twenty years, or for the life of the annuitant, whichever period shall be the longer;

25 “(b) of an immediate or deferred annuity to any two persons domiciled in Canada during their joint lives, and with or without continuation to the survivor.”

4. Section 5 of the said Act is amended by striking out the words “such person” in the first line thereof and substituting therefor the words “The purchaser.” S. 5 amended. Payments by purchaser.

5. Subsection 1 of section 6 of the said Act is amended by striking out the words “such person” in the first line thereof and substituting therefor the word “purchaser.” S. 6 amended. Purchase by depositor.

35 2. Subsection 3 of the said section is amended by inserting after the word “that” in the thirteenth line thereof the words Purchase for employees.

“unless otherwise expressly stipulated,” and by striking out the words “in any event” in the fourteenth line thereof.

Sections repealed.	<b>6.</b> Section 8 of chapter 5 of the statutes of 1908 and section 2 of chapter 4 of the statutes of 1909 are repealed and the following is enacted as section 8 of chapter 5 of the statutes of 1908:—	5
New s. 8.	“ <b>8.</b> An annuity shall not be granted or issued on the life of any person other than that of the actual annuitant, nor for an amount less than fifty dollars a year; and the total amount payable by way of an annuity or annuities to any annuitant or to joint annuitants shall not exceed six hundred dollars a year.	10
Limitations as to persons and amount.	“ <b>2.</b> Any contract providing for an annuity to commence to be payable at any greater age than eighty-five years shall, as to purchase price, be subject to the same terms as if the age were exactly eighty-five years.	15
Maximum age.	“ <b>3.</b> Except upon the occurrence of invalidity or disablement of an annuitant, no annuity shall be payable or paid to any annuitant unless he has reached the age of fifty-five years.	15
Age when annuity payable.	“ <b>4.</b> When a married man who has purchased an annuity payable to himself applies to have a portion thereof converted into an annuity payable to his wife, or when a married woman who has purchased an annuity payable to herself applies to have a portion thereof converted into an annuity payable to her husband, the Minister may make such conversion, if,	20
Conditions of conversion of annuity of husband for wife.	“ <i>(a)</i> the application is made within the three months preceding the time when the annuity becomes payable; and,	25
S. 11 amended.	“ <i>(b)</i> the annuity so made payable to the wife does not exceed one-half of the husband’s annuity, or the annuity so made payable to the husband does not exceed one-half of the wife’s annuity; and,	30
Attachment of annuities.	“ <i>(c)</i> the provisions of this Act and any regulations made under this Act are complied with.”	30
New s. 12.	<b>7.</b> Section 11 of the said Act is amended by striking out the words “The property and interest of an annuitant in his contract for an annuity” in the first and second lines thereof and by substituting therefor the words “An annuity and all moneys paid or payable and all rights under an annuity contract;” and the said section is further amended by striking out the word “annuitant” in the eleventh line thereof and substituting therefor the word “purchaser.”	35 40
Provisions for return of moneys paid if annuitant dies before annuity becomes payable.	<b>8.</b> Section 5 of chapter 4 of the statutes of 1909 is repealed and the following is enacted as section 12 of chapter 5 of the statutes of 1908:— “ <b>12.</b> When the annuitant or last survivor of joint annuitants dies before the annuity becomes payable, and any moneys have been paid or deposited as consideration for the annuity, such moneys shall be repaid to the purchaser or to his legal representatives, with interest thereon at the rate of three per cent per annum, compounded yearly: Provided that if there is an express agreement between the Minister and the purchaser as to dealing with such moneys, then they shall be paid as provided in such agreement.	45 50

“2. When, under the annuity contract, the annuity is payable for a term of years certain or for the life of the annuitant, whichever period shall be the longer, and the annuitant dies before the expiration of the said term of years certain, the annuity shall, during the unexpired portion of the said term, be paid to the purchaser or to his legal representatives: Provided that if there is an express agreement to the contrary between the Minister and the purchaser, the annuity shall be paid as provided in such agreement.”

10 9. This Act shall apply to contracts for annuities entered into before the passing of this Act. Application of Act.

THE SENATE OF CANADA.

BILL

Y

An Act to amend The Government  
Annuities Act, 1908.

Received and read a first time,

Wednesday, 16th February, 1910.

Second reading,

Tuesday, 22nd February, 1910.

Right Honourable  
SIR RICHARD CARTWRIGHT, G.C.M.G.

BILL AS PASSED MARCH 3, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL Y.

An Act to amend The Government Annuities Act, 1908.

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

- 1.** This Act may be cited as *The Government Annuities Amendment Act, 1910.* Short title.
- 2.** Section 2 of *The Government Annuities Act, 1908*, is amended by striking out the words "or who has contracted for the purchase of" in the second line of paragraph (c), and by adding the following paragraph to the said section:—
- 10 "(d) 'purchaser' means any person who has contracted for the purchase of an annuity." "Purchaser" defined.
- 3.** Section 4 of the said Act is repealed and the following is substituted therefor:— New s. 4.
- 15 "**4.** His Majesty, represented and acting by the Minister, may, subject to the provisions of this Act and of any order in council made under the authority of this Act, contract with any person for the sale,— Sale of annuities authorized.
- 20 "(a) of an immediate or deferred annuity to any person domiciled in Canada,—
- (i) for the life of the annuitant;
- (ii) for a term of years certain, not exceeding twenty years, provided the annuitant shall so long live;
- (iii) for a term of years certain, not exceeding twenty years, or for the life of the annuitant, whichever period shall be the longer;
- 25 "(b) of an immediate or deferred annuity to any two persons domiciled in Canada during their joint lives, and with or without continuation to the survivor."

S. 5 amended. **4.** Section 5 of the said Act is amended by striking out the Payments by purchaser. words "such person" in the first line thereof and substituting therefor the words "The purchaser."

S. 6 amended **5.** Subsection 1 of section 6 of the said Act is amended by Purchase by depositor. striking out the words "such person" in the first line thereof 5 and substituting therefor the word "purchaser."

Purchase for employees. **2.** Subsection 3 of the said section is amended by inserting after the word "that" in the thirteenth line thereof the words "unless otherwise expressly stipulated," and by striking out the words "in any event" in the fourteenth line thereof. 10

Sections repealed. **6.** Section 8 of chapter 5 of the statutes of 1908 and section New s. 8. 2 of chapter 4 of the statutes of 1909 are repealed and the following is enacted as section 8 of chapter 5 of the statutes of 1908:—

Limitations as to persons and amount. **"8.** An annuity shall not be granted or issued on the life of 15 any person other than that of the actual annuitant, nor for an amount less than fifty dollars a year; and the total amount payable by way of an annuity or annuities to any annuitant or to joint annuitants shall not exceed six hundred dollars a year.

Maximum age. **"2.** Any contract providing for an annuity to commence to 20 be payable at any greater age than eighty-five years shall, as to purchase price, be subject to the same terms as if the age were exactly eighty-five years.

Age when annuity payable. **"3.** Except upon the occurrence of invalidity or disablement of an annuitant, no annuity shall be payable or paid to any 25 annuitant unless he has reached the age of fifty-five years.

Conditions of conversion of annuity of husband for wife. **"4.** When a married man who has purchased an annuity payable to himself applies to have a portion thereof converted into an annuity payable to his wife, or when a married woman who has purchased an annuity payable to herself applies to have 30 a portion thereof converted into an annuity payable to her husband, the Minister may make such conversion, if,

**"(a)** the application is made within the three months preceding the time when the annuity becomes payable; and,

**"(b)** the annuity so made payable to the wife does not exceed 35 one-half of the husband's annuity, or the annuity so made payable to the husband does not exceed one-half of the wife's annuity; and,

**"(c)** the provisions of this Act and any regulations made under this Act are complied with." 40

s. 11 amended. **7.** Section 11 of the said Act is amended by striking out the Attachment of annuities. words "The property and interest of an annuitant in his contract for an annuity" in the first and second lines thereof and by substituting therefor the words "An annuity and all moneys paid or payable and all rights under an annuity contract;" and 45 the said section is further amended by striking out the word "annuitant" in the eleventh line thereof and substituting therefor the word "purchaser."

8. Section 5 of chapter 4 of the statutes of 1909 is repealed New s. 12.  
and the following is enacted as section 12 of chapter 5 of the  
statutes of 1908:—

5 **12.** When the annuitant or last survivor of joint annuitants Provisions  
dies before the annuity becomes payable, and any moneys have for return of  
been paid or deposited as consideration for the annuity, such moneys paid  
moneys shall be repaid to the purchaser or to his legal rep- if annuitant  
resentatives, with interest thereon at the rate of three per cent dies before  
per annum, compounded yearly: Provided that if there is an annuity  
10 express agreement between the Minister and the purchaser as to becomes  
dealing with such moneys, then they shall be paid as provided payable  
in such agreement.

15 **2.** When, under the annuity contract, the annuity is payable  
for a term of years certain or for the life of the annuitant,  
15 whichever period shall be the longer, and the annuitant dies be-  
fore the expiration of the said term of years certain, the annuity  
shall, during the unexpired portion of the said term, be paid to  
the purchaser or to his legal representatives: Provided that if  
20 there is an express agreement to the contrary between the Minis-  
ter and the purchaser, the annuity shall be paid as provided  
in such agreement."

9. This Act shall apply to contracts for annuities entered Application  
into before the passing of this Act. of Act



## THE SENATE OF CANADA.

### BILL Z.

An Act for the relief of Bernard Shea.

**W**HEREAS Bernard Shea, of the city of Toronto, in the pro-<sup>Preamble.</sup>  
vince of Ontario, merchant, has by his petition alleged,  
in effect, that on the thirteenth day of October, A.D. 1903, at  
the said city of Toronto, he was lawfully married to Emma  
5 Cairns, that she was then of the said city of Toronto, a spinster;  
that his legal domicile was then and is now in Canada; that in  
the year A.D. 1904, she deserted him without just cause; that  
at the city of Toronto, in the province of Ontario, in or about  
the month of October, A.D. 1909, she was living as a common  
10 prostitute and was an inmate of a house of ill-fame in the said  
city and then and there committed adultery with divers men  
whose names are unknown; that he has not connived at nor  
condoned the said adultery; that there has been no collusion,  
directly or indirectly, between him and her in the proceedings  
15 for divorce; and whereas by his petition he has prayed for the  
passing of an Act dissolving his said marriage, authorizing him  
to marry again, and affording him such other relief as is deemed  
meet; and whereas the said allegations have been proved, and  
it is expedient that the prayer of his petition be granted: There-  
20 fore His Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Bernard Shea and Emma <sup>Marriage</sup>  
Cairns, his wife, is hereby dissolved, and shall be henceforth <sup>dissolved.</sup>  
null and void to all intents and purposes whatsoever.
- 25 2. The said Bernard Shea may at any time hereafter marry <sup>Right to</sup>  
any woman he might lawfully marry if the said marriage with <sup>marry again.</sup>  
the said Emma Cairns had not been solemnized.

THE SENATE OF CANADA.

BILL

Z

An Act for the relief of Bernard Shea.

Received and read a first time,

Wednesday, 16th February, 1910.

Second reading,

Friday, 18th February, 1910.

Honourable Mr. Frost.

## THE SENATE OF CANADA.

### BILL Z.

#### An Act for the relief of Bernard Shea.

**W**HEREAS Bernard Shea, of the city of Toronto, in the pro-<sup>Preamble.</sup>  
vince of Ontario, merchant, has by his petition alleged,  
in effect, that on the thirteenth day of October, A.D. 1903, at  
the said city of Toronto, he was lawfully married to Emma  
5 Cairns, that she was then of the said city of Toronto, a spinster;  
that his legal domicile was then and is now in Canada; that in  
the year A.D. 1904, she deserted him without just cause; that  
at the city of Toronto, in the province of Ontario, in or about  
the month of October, A.D. 1909, she was living as a common  
10 prostitute and was an inmate of a house of ill-fame in the said  
city and then and there committed adultery with divers men  
whose names are unknown; that he has not connived at nor  
condoned the said adultery; that there has been no collusion,  
directly or indirectly, between him and her in the proceedings  
15 for divorce; and whereas by his petition he has prayed for the  
passing of an Act dissolving his said marriage, authorizing him  
to marry again, and affording him such other relief as is deemed  
meet; and whereas the said allegations have been proved, and  
it is expedient that the prayer of his petition be granted: There-  
20 fore His Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as follows:—

**1.** The said marriage between Bernard Shea and Emma<sup>Marriage</sup>  
Cairns, his wife, is hereby dissolved, and shall be henceforth<sup>dissolved.</sup>  
null and void to all intents and purposes whatsoever.

**25 2.** The said Bernard Shea may at any time hereafter marry<sup>Right to</sup>  
any woman he might lawfully marry if the said marriage with<sup>marry again.</sup>  
the said Emma Cairns had not been solemnized.



## THE SENATE OF CANADA.

### BILL AA.

An Act for the relief of Clara Louise Holden.

**W**HEREAS Clara Louise Holden, presently residing at the Preamble.  
city of Toronto, in the province of Ontario, wife of Clarence  
Lorne Holden, formerly of the said city of Toronto, has by her  
petition alleged, in effect, that they were lawfully married on  
5 the fifth day of January, A.D. 1899, at the said city of Toronto,  
she then being Clara Louise Ramsay, spinster; that the legal  
domicile of the said Clarence Lorne Holden was then and is  
now in Canada; that at the city of Toronto, in the province of  
10 Ontario, in or about the month of July, A.D. 1906, and at divers  
other times in the summer of 1906, he frequented a certain house  
of ill fame and there committed adultery with various women  
whose names are unknown; that subsequently, on or about  
the fifteenth day of April, A.D. 1907, he deserted her and their  
15 infant child and has not since then contributed to the support  
of his said wife and child; that she has not connived at nor  
condoned the said adultery; that there has been no collusion,  
directly or indirectly, between him and her in the proceedings  
for divorce; and whereas by her petition she has prayed for the  
20 passing of an Act dissolving her said marriage, authorizing her  
to marry again, and affording her such other relief as is deemed  
meet; and whereas the said allegations have been proved, and  
it is expedient that the prayer of her petition be granted: There-  
fore His Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as follows:—

25 **1.** The said marriage between Clara Louise Ramsay and Marriage  
Clarence Lorne Holden, her husband, is hereby dissolved, and dissolved.  
shall be henceforth null and void to all intents and purposes  
whatsoever.

**2.** The said Clara Louise Ramsay may at any time hereafter Right to  
30 marry any man whom she might lawfully marry if the said marry again.  
marriage with the said Clarence Lorne Holden had not been  
solemnized.

THE SENATE OF CANADA.

BILL,

AA

An Act for the relief of Clara Louise  
Holden.

Received and read a first time,

Wednesday, 16th February, 1910.

Second reading,

Friday, 18th February, 1910.

Honourable Mr. DERRYSHIRE.

OTTAWA

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1909-10

# THE SENATE OF CANADA.

## BILL AA.

An Act for the relief of Clara Louise Holden.

**W**HEREAS Clara Louise Holden, presently residing at the Preamble.  
city of Toronto, in the province of Ontario, wife of Clarence  
Lorne Holden, formerly of the said city of Toronto, has by her  
petition alleged, in effect, that they were lawfully married on  
5 the fifth day of January, A.D. 1899, at the said city of Toronto,  
she then being Clara Louise Ramsay, spinster; that the legal  
domicile of the said Clarence Lorne Holden was then and is  
now in Canada; that at the city of Toronto, in the province of  
10 Ontario, in or about the month of July, A.D. 1906, and at divers  
other times in the summer of 1906, he frequented a certain house  
of ill fame and there committed adultery with various women  
whose names are unknown; that subsequently, on or about  
15 the fifteenth day of April, A.D. 1907, he deserted her and their  
infant child and has not since then contributed to the support  
of his said wife and child; that she has not connived at nor  
condoned the said adultery; that there has been no collusion,  
directly or indirectly, between him and her in the proceedings  
for divorce; and whereas by her petition she has prayed for the  
20 passing of an Act dissolving her said marriage, authorizing her  
to marry again, and affording her such other relief as is deemed  
meet; and whereas the said allegations have been proved, and  
it is expedient that the prayer of her petition be granted: There-  
fore His Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as follows:—

25 **1.** The said marriage between Clara Louise Ramsay and Marriage  
dissolved.  
Clarence Lorne Holden, her husband, is hereby dissolved, and  
shall be henceforth null and void to all intents and purposes  
whatsoever.

30 **2.** The said Clara Louise Ramsay may at any time hereafter Right to  
marry again.  
marry any man whom she might lawfully marry if the said  
marriage with the said Clarence Lorne Holden had not been  
solemnized.



# THE SENATE OF CANADA.

## BILL BB.

### An Act respecting The Sovereign Trust Company.

**W**HEREAS The Sovereign Trust Company has by its petition Preamble.  
prayed that it be enacted as hereinafter set forth, and it 1906, c. 163.  
is expedient to grant the prayer of the said petition: Therefore  
His Majesty, by and with the advice and consent of the Senate  
5 and House of Commons of Canada, enacts as follows:—

**1.** The name of The Sovereign Trust Company, hereinafter Name of  
called "the Company," is hereby changed to "The Federal Trust Company  
Company;" but such change of name shall not in any way changed.  
impair, alter or affect the rights or liabilities of the Company, 1906, c. 163,  
nor in any wise affect any suit or proceeding now pending, or s. 1.  
10 judgment existing, either by, or in favour of, or against the  
Company, which, notwithstanding such change in the name of  
the Company, may be prosecuted, continued, completed and  
enforced as if this Act had not been passed.

**2.** The head office of the Company shall be at the city of Head office.  
15 Vancouver, in the province of British Columbia.

**3.** Chapter 163 of the statutes of 1906, except section 18 Declaration  
thereof, and the rights, powers and privileges conferred upon as to  
the Company by the said chapter shall, notwithstanding anything continuance  
20 contained in the said chapter, be deemed to have continued and of powers.  
to be in full force and effect.

**2.** Section 18 of chapter 163 of the statutes of 1906 is hereby 1906, c. 163.  
repealed. s. 18  
repealed.

**4.** The rights, powers and privileges granted by the said Forfeiture of  
25 chapter 163 and by this Act shall expire and cease to be in force rights for  
at the end of two years from the passing of this Act unless the non-user.  
Company goes into actual operation within such two years.

THE SENATE OF CANADA

BILL

BB

An Act respecting The Sovereign Trust  
Company.

Received and read a first time,

Thursday, 17th February, 1910.

Second reading,

Tuesday, 22nd February, 1910.

Honourable Mr. RILEY.

OTTAWA

Printed by C. H. PARMELEE  
Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED MARCH 4, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

# THE SENATE OF CANADA.

## BILL BB.

### An Act respecting The Sovereign Trust Company.

**WHEREAS** The Sovereign Trust Company has by its petition Preamble.  
 prayed that it be enacted as hereinafter set forth, and it 1906, c. 163.  
 is expedient to grant the prayer of the said petition: Therefore  
 His Majesty, by and with the advice and consent of the Senate  
 and House of Commons of Canada, enacts as follows:—

**1.** The name of The Sovereign Trust Company, hereinafter Name of Company changed.  
 called "the Company," is hereby changed to "The Federal Trust 1906, c. 163.  
 Company;" but such change of name shall not in any way s. 1.  
 impair, alter or affect the rights or liabilities of the Company,  
 nor in any wise affect any suit or proceeding now pending, or  
 judgment existing, either by, or in favour of, or against the  
 Company, which, notwithstanding such change in the name of  
 the Company, may be prosecuted, continued, completed and  
 enforced as if this Act had not been passed.

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

**3.** Chapter 163 of the statutes of 1906, except section 18 Declaration as to continuance of powers.  
 thereof, and the rights, powers and privileges conferred upon  
 the Company by the said chapter shall, notwithstanding anything  
 contained in the said chapter, be deemed to have continued and  
 to be in full force and effect, except as regards the business of  
 title insurance as described in paragraph (h) of section 5 of the  
 said chapter.

**2.** The following portions of the said chapter 163 are hereby Repeal.  
 repealed—

paragraph (h) of section 5;  
 section 15;

the words "other than such as appertain exclusively to its  
 title insurance business" in the seventh and eighth lines

of section 16;  
 section 18.



## THE SENATE OF CANADA.

### BILL CC.

#### An Act to incorporate The Nipigon-Albany Canal and Transportation Company.

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

1. George Alexander Graham, contractor, Gaylen Rupert Duncan, engineer; George McDonald, gentleman; George A. Knowlton, and William Arthur Dowler, barrister, all of the city of Fort William, in the district of Thunder Bay, together with 10 such other persons as become shareholders in the Company are hereby incorporated under the name of "The Nipigon-Albany Canal and Transportation Company," hereinafter called "the Company."
2. The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.
3. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.
4. The capital stock of the Company shall be two million dollars. No one call thereon shall exceed ten per cent of the shares subscribed.
5. The head office of the Company shall be at the city of Fort William, in the district of Thunder Bay.
6. The number of the directors shall be not less than five, nor more than nine, one or more of whom may be paid directors.
7. The Company may lay out, excavate, construct, erect, develop, maintain and operate a water way and system of connecting and supply channels, canals, lift locks and transportation route; and may execute all works necessary or incidental thereto, from Nipigon Bay, on Lake Superior, *via* Nipigon River and the lakes therein, Lake Nipigon and the most feasible route northerly from Lake Nipigon to the Albany River, and *via* the Albany River and the lakes therein, to James Bay; and for such purposes may—

Utilization, &c., of waterways, rivers, &c.	(a) utilise, deepen, widen and alter the course of the waterways, rivers and streams in the route of the said undertaking, or connecting with or adjacent to the waterways, rivers or streams utilized therefor;	
Accessory works.	(b) construct, acquire, erect, maintain, use and operate locks, dams, tow-paths, reservoirs, branches, feeding sources and channels, ditches, trenches, drains, aqueducts, booms, slides, tramways, roadways, trails, bridges, carrying, forwarding and propelling systems and appliances, and all structures, works, apparatus, appliances and machinery required for or which may be deemed of advantage in the full development of the undertaking of the Company.	5 10
Vessels, structures, and plant.	8. The Company may also, for the purposes of its undertaking and in connection therewith,— (a) construct, acquire, use and operate, and sell, lease or otherwise dispose of vessels, boats, dredges, rafts, towing appliances and every kind of craft, means and appliances for carrying or hauling on, or propelling through water, construction and maintenance plants, shops, stores, wharves, docks, terminals, storage and handling plants and elevators;	15 20
Use of Company's works by other parties.	(b) enter into agreements for the use, by individuals, firms, companies or corporations, of any of its works or appliances; and use, sell, lease or otherwise dispose of water brought into or through any channel, conduits, forebays or canals, for the said canal and waterway, or channels or works, but which may be used for other purposes; and may use, sell, lease, or otherwise dispose of any hydraulic, electrical or other kind of power developed by or made available by or in connection with the undertaking of the Company, when and to the extent the same may not be required for the purposes of the Company;	25 30
Disposal of water.		
Supply of power.		
Hotels, parks, &c.	(c) build, acquire, or lease buildings and grounds for hotels, parks, restaurants or houses of entertainment, along the route of the undertaking, and carry on all such business in connection therewith as is necessary or expedient for the comfort or convenience of travellers or tourists, and may lease any part of such buildings or grounds for any such purposes.	35
Telegraph and telephone lines.	9. The Company may, subject to the provisions of <i>The Railway Act</i> , construct, and operate telegraph and telephone lines upon and along the line of its undertaking, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to any such companies, and may operate such telegraph lines, the whole or any part thereof, by wireless telegraph or otherwise.	40 45
Tolls.	2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.	50

3. Part II of *The Telegraphs Act*, except such portions thereof R.S., c. 126. as are inconsistent with *The Railway Act*, or with this Act, shall apply to the telegraphic business of the Company.

10. The Company may, along its route and in connection Express  
5 with its undertaking, carry on an express business, and subject business.  
to the provisions of *The Railway Act*, levy and collect tolls therefor.

11. The Company may, from time to time, ask, demand, Tolls.  
take and recover for the use of its waterway, canals and other  
10 works along its route, and for the transportation of passengers  
and goods, and for hauling, towing and propelling along its  
course, such tolls and charges therefor as may be approved by Approval.  
the Board of Railway Commissioners for Canada.

2. In the event of the non-payment of such tolls the Com- Enforcement  
15 pany may detain the vessels, goods, or things in respect of of payment.  
which such tolls are payable until payment thereof, during  
which detention the said vessels, goods or things shall be at  
the risk of the owner; and if the tolls are not paid within a  
reasonable time, which may from time to time be fixed by the  
20 Board of Railway Commissioners for Canada, the Company may  
sell the said vessels, goods or things, or any part thereof, under  
such terms and conditions, and subject to such rules and regu-  
lations as may from time to time be prescribed or approved by  
the Board of Railway Commissioners aforesaid.

25 12. The Company may receive in aid of the construction of Grants in  
the said waterway, canals and other works, from any person or aid of  
body corporate, municipal or politic, having power to grant the undertaking.  
same, any gift or grant of land, money, debentures, property,  
concession or other benefit of any sort, either with or without  
30 conditions, and may enter into any agreement for the carrying  
out of any such conditions or with respect thereto.

13. If any vessel, raft, timber, or other articles and appli- Stranded or  
ances be sunk or grounded in any part of any of the waterway, sunken  
canals, or other works constructed and developed by the vessels.  
35 Company, or in any approach thereto, and if the owner or  
master thereof neglects or refuses to recover the same, the  
Company may forthwith proceed to have the same raised or  
recovered, and may retain possession of the same until the  
charges and expenses necessarily incurred by the Company in  
40 so raising and recovering the same are paid and satisfied, or  
the Company may sue for and recover in any court of com- Recovery of  
petent jurisdiction such charges and expenses from the owner expenses.  
or master of such vessel.

14. All actions and suits for compensation or indemnity for Limitation  
45 any damages or injury sustained by reason of the construction of actions for  
or operation of the Company's waterway, canals and transpor- damages  
tation system shall be commenced within one year after the caused by  
time when such damage is sustained, or, if there is a continua- construction,  
tion of damage, within one year next after the doing or com- &c.  
50 mitting of such damage ceases and not afterwards.

Issue of securities.

**15.** The Company may issue bonds, debentures, perpetual or terminal stock, or other securities, upon and in respect of the whole or any part, or parts of its undertaking or property, and secure the payment of the said securities by mortgage or other charge upon the whole or such part, or parts, and upon the rents and revenues thereof; but such securities shall not be issued in excess of the cost of the works or property upon or in respect of which the said securities are issued. 5

Application of The Railway Act, ss. 136-148.

2. The provisions of *The Railway Act* as to the issue of bonds, debentures, perpetual or terminal stocks or other securities, 10 and as to the sale or pledge of the same, and as to mortgages and charges in security therefor, shall, so far as they are applicable thereto, apply to and extend to the Company and its undertaking.

Deposit and approval of plans.

**16.** The Company shall not commence the erection, construction or excavation of any channel, water course, canal, conduit, lock, diversion, intake, outlet, head-gate, approach dam, dyke, forbay, storage or other work necessary for, or in connection with, any one or more of the works or purposes authorized by this Act, at any, or in connection with any one or more points or any one or more places of such waterway, or system, or any of the works incidental to or made available by the works aforesaid, and which the Company is by this Act authorized to engage in, unless and until plans showing the same and giving the location, dimensions and all necessary information and detail of such work or works or of any one or more of them and of all other works incidental thereto, have been submitted to and have received the approval of the Minister of Railways and Canals. 15 20 25

Limitation of time for construction.

**17.** If the construction of the waterway, canals or other works hereby authorized to be executed, or of some one or more of them, or the development of some portion of the said works or system is not commenced within three years after the passing of this Act, or if the said waterway, canals or other works, or some of them, are not finished within eight 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 said waterway, canals or other works hereby authorized as then remains uncompleted. 30 35

The Railway Act, R.S., c. 37, to apply.

**18.** *The Railway Act* shall, so far as applicable, and when not inconsistent with the provisions of this Act, apply to the Company and to the undertaking of the Company; and the Company shall have and may exercise, subject to the provisions of *The Railway Act*, all the powers conferred by *The Railway Act* in so far as the said powers are applicable to the Company. 40 45

Interpretation. "Company." "Railway."

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

3. Wherever in *The Railway Act* the word "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or to the Company, or to 50

the undertaking of the Company, mean any work authorized by this Act to be constructed.

4. Wherever in *The Railway Act* the word "land" occurs, it shall include any privilege or easement required by the Company for constructing the waterway, canals or other works authorized by this Act, under, over, through or along any land, without the necessity of acquiring a title in fee simple; and shall also include land covered or partly covered by water.

**19.** Part II of *The Companies Act* shall not apply to this Act or to the Company hereby incorporated.

R.S., c. 79,  
Part II,  
excluded.

THE SENATE OF CANADA.

BILL

CC

An Act to incorporate The Nipigon-Albany  
Canal and Transportation Company.

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Received and read a first time,

Friday, 18th February, 1910.

Second reading,

Wednesday, 23rd February, 1910.

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Honourable Mr. YOUNG.

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## THE SENATE OF CANADA.

### BILL DD.

An Act to incorporate The Weyburn Security Bank.

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

- 1.** The 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 Weyburn Security Bank," hereinafter called "the Bank."
- 2.** The capital stock of the Bank shall be one million dollars.
- 3.** The chief office of the Bank shall be at Weyburn, in the province of Saskatchewan.
- 4.** Joseph Mergems, Frank B. Moffet, James A. McBride, Herbert M. Morphy and Harvey O. Powell, all of Weyburn in the province of Saskatchewan; and Alexander Simpson and Frank W. Murphy, of Wheaton, Minnesota, shall be the provisional directors of the Bank.
- 5.** This Act shall, subject to the provisions of section 16 of *The Bank Act*, remain in force until the first day of July in the year one thousand nine hundred and eleven.

Preamble.

Corporation.

Corporate name.

Capital stock.

Chief office.

Provisional directors.

Duration of charter.  
R.S.C., c. 29.

THE SENATE OF CANADA.

BILL

DD

An Act to incorporate The Weyburn  
Security Bank.

Received and read a first time,

Tuesday, 22nd February, 1910.

Second reading,

Thursday, 24th February, 1910.

Honourable Mr. DOTGLAS.

BILL AS PASSED MARCH 3, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL DD.

An Act to incorporate The Weyburn Security Bank.

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

Preamble.

**1.** The 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 Weyburn Security Bank," hereinafter called "the Bank."

Corporation.

Corporate name.

**2.** The capital stock of the Bank shall be one million dollars.

Capital stock.

**3.** The chief office of the Bank shall be at Weyburn, in the province of Saskatchewan.

Chief office.

**4.** Joseph Mergems, Frank B. Moffet, James A. McBride, Herbert M. Morphy and Harvey O. Powell, all of Weyburn in the province of Saskatchewan; and Alexander Simpson and Frank W. Murphy, of Wheaton, Minnesota, shall be the provisional directors of the Bank.

Provisional directors.

**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.

Duration of charter.  
R.S.C., c. 29



## THE SENATE OF CANADA.

### BILL EE.

An Act respecting The Grand Trunk Railway Company of Canada.

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

1. The Grand Trunk Railway Company of Canada may Power to  
acquire, hold, pledge, sell or otherwise dispose of bonds, debentures or other securities issued by The Ottawa Terminals Rail- acquire and  
way Company, incorporated by chapter 117 of the statutes of deal with  
10 1907, and bonds, debentures or other securities issued by The securities of  
Grand Trunk Pacific Terminal Elevator Company, Limited, certain  
incorporated under the provisions of *The Companies Act*, 1902. Terminal  
companies.  
1907, c. 117.  
1902, c. 15.

THE SENATE OF CANADA.

BILL

EE

An Act respecting The Grand Trunk  
Railway Company of Canada.

First reading,

Tuesday, 22nd February, 1910.

Second reading,

Thursday, 24th February, 1910.

Honourable Mr. GIBSON.

OTTAWA

Printed by C. E. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

THE SENATE OF CANADA.

BILL EE.

An Act respecting The Grand Trunk Railway Company  
of Canada.

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

1. The Grand Trunk Railway Company of Canada may  
acquire, hold, pledge, sell or otherwise dispose of bonds, debentures  
or other securities issued by The Ottawa Terminal Rail-  
way Company, incorporated by chapter 117 of the statutes of  
1907, and bonds, debentures or other securities issued by The  
Grand Trunk Pacific Terminal Elevator Company, Limited,  
incorporated under the provisions of The Companies Act, 1902,  
1907, c. 117, companies  
Terminal  
certain  
securities of  
deal with  
acquire and  
power to

## THE SENATE OF CANADA.

### BILL FF.

An Act to incorporate The Ottawa, Rideau Valley and Brockville Railway Company.

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

Preamble.

**1.** Alfred McDiarmid and Robert E. Elliott, both of the city of Montreal, in the province of Quebec, Frederick A. Heney and Edmund W. Clark, of the township of Nepean, in the province of Ontario, George Elden Kidd and Donald Hector McLean of the city of Ottawa, in the province of Ontario, and William C. Maclaren and James H. Gilmour of the town of Brockville, in the county of Leeds, in the province of Ontario, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The Ottawa, Rideau Valley and Brockville Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** The persons named in section 1 of this Act are hereby constituted the provisional directors of the Company. Should any such provisional directors die or resign before the first election of directors the vacancy may be filled by the remaining provisional directors.

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 Ottawa, in the province of Ontario.

Head office.

**5.** The annual meeting of the shareholders shall be held on the third Wednesday in September.

Annual meeting.

**6.** The number of directors shall not be less than five nor more than 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,—  
(a) from a point in or near the city of Ottawa, thence through the townships of Nepean, North Gower and Marlborough, in the

Line of railway described.

county of Carleton, the townships of Oxford, Wolford and Augusta, in the county of Grenville, and the township of Elizabethtown, in the county of Leeds, to a point in or near the town of Brockville, in the county of Leeds;

(b) a line of railway, or an extension of the line of railway 5 described in paragraph (a) of this section, from the said city of Ottawa, to a point in the city of Hull or in the township of Hull, in the county of Wright, in the province of Quebec, west of the Gatineau River.

Ferry across  
St. Lawrence  
River.

8. The Company may, for the purposes of its undertaking, 10 construct, acquire and operate a ferry from a point in or near the town of Brockville, in the county of Leeds, across the St. Lawrence River to a point in or near the town of Morristown, in the state of New York, for the purposes of transporting trains, passengers, goods and merchandise in connection with 15 the business of the Company.

Water powers  
and  
electricity.

9. In connection with its business and for the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire (but not by expropriation), and develop water-powers, rights, easements and 20 privileges in the vicinity of its railway, and construct, maintain and operate dams, reservoirs, buildings and works for the transmission and distribution of electricity for light, heat, power or any other purpose in connection with its railway, vessels and other properties and works, and transmit and deliver 25 the same to any place in the municipalities through which the railway is authorized to be built, and supply, sell or otherwise dispose of any surplus water, electricity, electric or other power not required for the purposes of the Company, and collect rates and charges therefor; but no such rate or charge shall be demand- 30 ed or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Transmission.

Supply and  
sale.

Rates to be  
approved by  
Board of  
Railway  
Commission-  
ers.

Site of dam to  
be approved  
by Minister.

2 No such dam shall be constructed until the site and plans thereof have been submitted to and approved of by the Minister 35 of Public Works.

Special  
powers.  
Vessels.

10. The Company may, for the purposes of its undertaking, build, purchase, hire or otherwise acquire, charter, own, control and operate steam and other vessels for the carriage of passengers and cargo on all navigable waters in the vicinity 40 of its railway, and may enter into agreements with the owners of such vessels for any of such purposes, and may generally carry on the business of ship owners and carriers by water in connection with its undertaking.

Docks,  
buildings, etc.

11. The Company may, for the purposes of its undertaking, 45 purchase, lease or otherwise acquire, hold, enjoy and manage such lands, water-lots, wharfs, docks, dock-yards, slips, warehouses, elevators, offices and other buildings as it finds necessary and convenient for such purposes, and may construct any of such works or buildings, and sell or otherwise dispose thereof 50 for the purposes of the Company, and may carry on the business

of warehousemen and wharfingers, and charge wharfage and other dues for the use of any such property and may enter into any agreements with any such company respecting the use of any of the property of such company.

- 5 **12.** The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway and establish offices for and undertake the transmission of messages for the public and collect tolls there-  
 10 or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers and may connect its own lines with the lines of or may lease its own lines to any such companies.
- 15 2. No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using of the telegraphs or telephones of the Company until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.
- 20 3 Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraph business of the Company.

Telegraph  
and  
telephone  
lines.  
R.S., c. 37.

Contracts  
with other  
companies.

Tolls or  
charges.

R.S., c. 126.

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

Issue of  
securities.

- 14.** In addition to the securities authorized by section 13 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called  
 30 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, from time to time at their discretion borrow money for the Company's purposes other than the railway, and may issue bonds,  
 35 debentures, perpetual or terminable debenture stock or other securities for the construction and acquisition of any of the vessels, properties or works, which the Company is authorized to construct, acquire or operate, other than the railway; but such  
 40 other securities shall not exceed in amount the value of the vessels, properties and works in respect of which they are issued.
2. For the purposes of securing the issue of such bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway,  
 45 as is described in such mortgages.

Issue of  
securities for  
other  
purposes than  
railway.

Mortgages  
securing  
same.

3. All the provisions of sections 136 to 148, both inclusive, of  
 50 *The Railway Act*, shall, so far as they are applicable, apply to such bonds, debentures, debenture stock and other securities and mortgages.

R.S. c. 37.,

Agreements  
with other  
companies.

**15.** Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being The Ottawa Northern and Western Railway Company, The Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, The Canadian Northern Ontario Railway Company, The Canadian Northern Quebec Railway Company, The Canada Atlantic Railway Company, The Ottawa Terminals Railway Company, The Ottawa, Brockville and Saint Lawrence 5  
Railway Company, The Brockville, Westport and Sault Ste. Marie Railway Company, The Brockville, Westport and North- 10  
western Railway Company and The Thousand Islands Railway Company.

THE SENATE OF CANADA.

BILL

FF

An Act to incorporate The Ottawa, Rideau Valley and Brockville Railway Company.

Received and read a first time,

Wednesday, 23rd February, 1910.

Second reading,

Tuesday, 1st March, 1910.

Honourable Mr. DERRYSHIRE.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED MARCH 17, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL FF.

An Act to incorporate The Ottawa, Rideau Valley and Brockville Railway Company.

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

Preamble.

**1.** Alfred McDiarmid and Robert E. Elliott, both of the city of Montreal, in the province of Quebec, Frederick A. Heney and Edmund W. Clark, of the township of Nepean, in the province of Ontario, George Elden Kidd and Donald Hector McLean of the city of Ottawa, in the province of Ontario, and William C. Maclaren and James H. Gilmour of the town of Brockville, in the county of Leeds, in the province of Ontario, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The Ottawa, Rideau Valley and Brockville Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** The persons named in section 1 of this Act are hereby constituted the provisional directors of the Company. Should any such provisional directors die or resign before the first election of directors the vacancy may be filled by the remaining provisional directors.

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 Ottawa, in the province of Ontario.

Head office.

**5.** The annual meeting of the shareholders shall be held on the third Wednesday in September.

Annual meeting.

Directors.

6. The number of directors shall not be less than five nor more than seven, 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 in the city of Hull, or in the township of Hull, in the county of Wright, in the province of Quebec, west of the Gatineau River to a point in or near the city of Ottawa, thence through the townships of Nepean, North Gower and Marlborough, in the county of Carleton, the townships of Oxford, Woford and Augusta, in the county of Grenville, and the township of 5 Elizabethtown, in the county of Leeds, to a point in or near the town of Brockville, in the county of Leeds. 10

Ferry across St. Lawrence River.

8. The Company may, for the purposes of its undertaking, construct or acquire, and may operate a ferry from a point in or near the town of Brockville, in the county of Leeds, across the St. Lawrence River to a point in or near the town of Morristown, in the state of New York, for the purposes of transporting trains, passengers, goods and merchandise in connection with the business of the Company. 15

Water powers and electricity.

9. In connection with its business and for the purposes of 20 its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire (but not by expropriation), and develop water-powers, rights, easements and privileges in the vicinity of its railway, and construct, maintain and operate works for the transmission and distribution of elec- 25 tricity for light, heat, power or any other purpose in connection with its railway, vessels and other properties and works, and transmit and deliver the same to any place in the municipalities through which the railway is authorized to be built, and supply, sell or otherwise dispose of any surplus water, electricity, electric 30 or other power not required for the purposes of the Company, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time. 35

Transmission.

Supply and sale.

Rates to be approved by Board of Railway Commissioners.

Site of dam to be approved by Minister.

2. No such work shall be constructed until the site and plans thereof have been submitted to and approved of by the Minister of Public Works.

Special powers. Vessels.

10. The Company may, for the purposes of its undertaking, build, purchase, hire or otherwise acquire, charter, own, control and operate steam and other vessels for the carriage of passengers and cargo on all navigable waters in the vicinity of its railway, and may enter into agreements with the owners of such vessels for any of such purposes, and may generally carry on the business of ship owners and carriers by water in 45 connection with its undertaking.

11. The Company may, for the purposes of its undertaking, purchase, lease or otherwise acquire, hold, enjoy and manage such lands, water-lots, wharfs, docks, dock-yards, slips, warehouses, elevators, offices and other buildings as it finds necessary and convenient for such purposes, and may construct any of such works or buildings, and sell or otherwise dispose thereof for the purposes of the Company, and may carry on the business of warehousemen and wharfingers, and charge wharfage and other dues for the use of any such property and may enter into any agreements with any such company respecting the use of any of the property of such company.

Docks, buildings, etc.

12. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway and establish offices for and undertake the transmission of messages for the public and collect tolls therefor; and for the purposes of operating such lines or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers and may connect its own lines with the lines of or may lease its own lines to any such companies.

Telegraph and telephone lines.  
R.S., c. 37.

Contracts with other companies.

2. No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using of the telegraphs or telephones of the Company until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

Tolls or charges.

3 Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraph business of the Company.

R.S., c. 126.

13. The securities issued by the Company shall not exceed thirty-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.

Issue of securities.

14. In addition to the securities authorized by section 13 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, from time to time at their discretion borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or other securities for the construction and acquisition of any of the vessels, properties or works, which the Company is authorized to construct, acquire or operate, other than the railway; but such bonds, debentures, perpetual or terminable debenture stock or other securities shall not exceed in amount the value of the vessels, properties and works in respect of which they are issued.

Issue of securities for other purposes than railway.

Mortgages  
securing  
same.

2. For the purposes of securing the issue of such bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described in such mortgages.

5

R.S. c. 37.,

3. All the provisions of sections 136 to 148, both inclusive, of *The Railway Act*, shall, so far as they are applicable, apply to such bonds, debentures, debenture stock and other securities and mortgages.

Agreements  
with other  
companies.

**15.** Subject to the provisions of sections 361, 362 and 363 of 10  
*The Railway Act*, the Company may enter into agreements with  
all or any of the companies hereinafter named for any of the  
purposes specified in the said section 361, such companies being  
The Ottawa Northern and Western Railway Company, The  
Canadian Pacific Railway Company, the Grand Trunk Railway 15  
Company of Canada, The Canadian Northern Ontario Railway  
Company, The Canadian Northern Quebec Railway Company,  
The Canada Atlantic Railway Company, The Ottawa Terminals  
Railway Company, The Ottawa, Brockville and Saint Lawrence  
Railway Company, The Brockville, Westport and Sault Ste. 20  
Marie Railway Company, The Brockville, Westport and North-  
western Railway Company and The Thousand Islands Railway  
Company.

THE HOUSE OF COMMONS OF CANADA.

BILL GG.

An Act to incorporate The Morrisburg Ferry and Dock 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:—

1. Beverley Baruch Tucker, civil engineer, Herbert Henry Bradfield, merchant, Lewis Edwin Murphy, publisher, William Henry McGannon, hotel keeper, all of the village of Morrisburg, in the province of Ontario, and Enos Allison, farmer, of the township of Williamsburg, in the said province, together with such other persons as become shareholders in the company, are hereby incorporated under the name of "The Morrisburg Ferry and Dock Company" hereinafter called "the Company".
2. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.
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.
4. The head office of the Company shall be in the village of Morrisburg in the province of Ontario.
5. The annual meeting of the shareholders shall be held on the first Tuesday in September.
6. The number of directors shall not be less than three nor more than nine, one or more of whom may be paid directors.
7. The Company may, subject to the provisions of *The Railway Act*,—
- (a) construct, acquire, equip, own, maintain, control and operate, a ferry, for railway cars, engines and trains, across the River St. Lawrence between any point within or near the municipality of the village of Morrisburg, in the county of Dundas, on the north side of the said river, and any point on the said river in the state of New York on the south side of the said river;

Preamble.

Incorporation.

Corporate name.

Provisional directors.

Capital. Calls.

Head office.

Annual meeting.

Directors.

*The Undertaking described.*

(b) do a railway ferry business across the said river at any point within the said limits;

(c) acquire, own and operate boats for the carriage for hire of passengers and goods between any points within the said limits;

(d) for such purposes, construct, purchase, lease or otherwise acquire, and maintain and operate ships, locomotives and cars propelled by steam or otherwise; 5

(e) build, acquire and maintain wharves, docks, warehouses, blocks, slips, piers and viaducts, and railway tracks not exceeding five miles in length in any one case, to carry out its undertaking, 10 and specially to reach deep water in the said river;

(f) connect such railway tracks with the railway of The Grand Trunk Railway Company of Canada and with any other railway within the municipality of the village of Morrisburg.

Acquisition of land. **8.** The Company may purchase or otherwise acquire and shall have the power to expropriate, subject to the provisions of *The Railway Act*, such land and other property as may be requisite for the purposes of the Company. 15

Tolls. **9.** The Company may charge tolls for carrying across the River St. Lawrence by means of its ferry, any cars, engines, trains and passengers, or for the use of its ferry or any part of its works by any railway company or tramway company. 20

Approval. 2. Such tolls shall, before being imposed, be subject to approval by the Board of Railway Commissioners for Canada, who may revise them from time to time, and the provisions of *The Railway Act* respecting railway tolls shall apply to the Company. 25

Commutation of tolls. 3. The Company may, subject to such approval, make agreements with any railway companies for the commutation of the tolls due or to become due by such railway companies.

Consent of municipalities. **10.** The Company shall not construct or operate its connecting lines of railway along any highway, street or public place without first obtaining the consent of the municipality having jurisdiction over such highway, street or other public place. 30

Issue of securities. **11.** The Company may issue bonds, debentures or other securities not exceeding in the aggregate three hundred thousand dollars. 35

Application of R.S., c. 37. **12.** *The Railway Act* shall apply to the Company and to its railway undertaking.

## THE SENATE OF CANADA.

## BILL

GG

An Act to incorporate The Morrisburg Ferry and Dock Company.

Received and read a first time,

Wednesday, 23rd February, 1910.

Second reading,

Tuesday, 1st March, 1910.

Honourable Mr. BETH.

OTTAWA

Printed by C. H. PARRELL

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED MARCH 11, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL GG.

An Act to incorporate The Morrisburg Ferry and Dock Company.

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

- 1.** Beverley Baruch Tucker, civil engineer, Herbert Henry Bradfield, merchant, Lewis Edwin Murphy, publisher, William Henry McGannon, hotel keeper, all of the village of Morrisburg, in the province of Ontario, and Enos Allison, farmer, of the township of Williamsburg, in the said province, together with such other persons as become shareholders in the company, are hereby incorporated under the name of "The Morrisburg Ferry and Dock Company" hereinafter called "the Company".
- 2.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.
- 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.
- 4.** The head office of the Company shall be in the village of Morrisburg in the province of Ontario.
- 5.** The annual meeting of the shareholders shall be held on the first Tuesday in September.
- 6.** The number of directors shall not be less than three nor more than nine, one or more of whom may be paid directors.

Preamble.

Incorporation.

Corporate name.

Provisional directors.

Capital.  
Calls.

Head office.

Annual meeting.

Directors.

Undertaking described.

7. The Company may, subject to the provisions of *The Railway Act*,—

(a) construct, acquire, equip, own, maintain, control and operate, a ferry, for railway cars, engines and trains, across the River St. Lawrence between any point within or near the municipality of the village of Morrisburg, in the county of Dundas, on the north side of the said river, and any point on the said river in the state of New York on the south side of the said river; 5

(b) do a railway ferry business across the said river at any point within the said limits; 10

(c) acquire, own and operate boats for the carriage for hire of passengers and goods between any points within the said limits;

(d) for such purposes, construct, purchase, lease or otherwise acquire, and maintain and operate ships, locomotives and cars propelled by steam or otherwise; 15

(e) build, acquire and maintain wharves, docks, warehouses, blocks, slips, piers and viaducts, and railway tracks not exceeding five miles in length in any one case, to carry out its undertaking, and specially to reach deep water in the said river; 20

(f) connect such railway tracks with the railway of The Grand Trunk Railway Company of Canada and with any other railway within the municipality of the village of Morrisburg.

Acquisition of land.

8. The Company may purchase or otherwise acquire and shall have power to expropriate, subject to the provisions of *The Railway Act*, such land as may be requisite for the purposes of the Company: Provided that such power to expropriate shall be limited to township lot number 28 in the first concession in the township of Williamsburg, in the county of Dundas, save and except that part of the said lot which lies south of the King's highway and west of a line projecting northerly at right angles from a point on the water's edge of the river St. Lawrence distant westerly one thousand feet from the southeast corner of the said lot. 25 30

Expropriation limited.

Tolls.

9. The Company may charge tolls for carrying across the River St. Lawrence by means of its ferry, any cars, engines, trains and passengers, or for the use of its ferry or any part of its works by any railway company or tramway company. 35

Approval.

2. Such tolls shall, before being imposed, be subject to approval by the Board of Railway Commissioners for Canada, who may revise them from time to time, and the provisions of *The Railway Act* respecting railway tolls shall apply to the Company. 40

Commutation of tolls.

3. The Company may, subject to such approval, make agreements with any railway companies for the commutation of the tolls due or to become due by such railway companies. 45

Consent of municipalities.

10. The Company shall not construct or operate its connecting lines of railway along any highway, street or public place

without first obtaining the consent of the municipality having jurisdiction over such highway, street or other public place.

**11.** The Company may issue bonds, debentures or other securities not exceeding in the aggregate three hundred thousand dollars. Issue of securities

**12.** *The Railway Act* shall apply to the Company and to its undertaking. Application of R.S., c 37



## THE SENATE OF CANADA.

### BILL HH.

#### An Act respecting The Calgary and Fernie Railway Company.

**W**HEREAS The Calgary and Fernie 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  
5 consent of the Senate and House of Commons of Canada, enacts  
as follows:—

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

**2.** Chapter 89 of the statutes of 1908 is hereby repealed.

Extension of  
time for  
construction.  
1906, c. 71.  
1908, c. 89.  
Repeal of  
former time  
limit.

THE SENATE OF CANADA.

BILL

HH

An Act respecting The Calgary and Fernie  
Railway Company.

Received and read a first time,

Wednesday, 23rd February, 1910.

Second reading,

Friday, 25th February, 1910.

Honourable Mr. DEVEBER.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty

1909-10

BILL AS PASSED MARCH 11, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

THE SENATE OF CANADA.

BILL HH.

An Act respecting The Calgary and Fernie Railway Company.

WHEREAS The Calgary and Fernie 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  
5 consent of the Senate and House of Commons of Canada, enacts  
as follows:—

Preamble.  
1906, c. 71.  
1908, c. 89.

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

Extension of  
time for  
construction  
1908, c. 89.

2. Chapter 89 of the statutes of 1908 is hereby repealed.

HH—1

Repeal of  
former time  
limit.



## THE SENATE OF CANADA.

### BILL II.

#### An Act to incorporate Ottawa and Montreal Transmission Company, Limited.

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

**1.** Cameron McPherson Edwards, John Burns Fraser, Russell  
Gordon Edwards, William Henry Alexander Fraser, Hiram  
Robinson, Henry Kelly Egan, Robert Lennox Blackburn and  
Russell Blackburn, all of the city of Ottawa in the province of  
10 Ontario, together with such other persons as become share-  
holders in the company, are hereby incorporated under the name  
of "Ottawa and Montreal Transmission Company, Limited,"  
hereinafter called "the Company."

**2.** The persons named in section 1 of this Act shall be the  
15 first or provisional directors of the Company, and shall have all  
the powers which are conferred upon the directors by this Act  
and by Part II of *The Companies Act*; and, until otherwise  
ordered by by-law or resolution of the provisional directors, any  
five of them may call meetings of the provisional directors, which  
20 shall be held in the city of Ottawa at such place and time as  
they may determine, and the notice of any such meeting shall  
be signed by the provisional directors calling the same.

**3.** The capital stock of the Company shall be five hundred  
thousand dollars, and shall be divided into shares of one hundred  
25 dollars each.

**4.** The head office of the Company shall be at the city of  
Ottawa in the province of Ontario, or at such other place as  
may be fixed by by-law of the Company.

**5.** The provisional directors, or any five of them, may, on  
30 notice, call a first general meeting of the Company, to be held  
at a place, to be named in the said notice, in the said city of  
Ottawa at such time as they determine, for the purposes of—  
(a) passing or ratifying the by-laws of the Company;  
(b) electing directors;  
35 (c) considering and determining upon any other business of  
the Company specified in the said notice calling such meeting.

Annual meeting.	<b>6.</b> The annual meeting of the Company shall be held on the second Wednesday of February, at the head office of the Company, or at such other date as is fixed by by-law of the Company.	
Directors.	<b>7.</b> The number of directors shall not be less than five nor more than nine, one or more of whom may be paid directors.	<b>5</b>
Powers.	<b>8.</b> The Company may,—	
Right of way along Ottawa River.	(a) acquire a right of way thirty feet in width, or of such greater or less width as for the purposes of the Company may be deemed necessary, along or in the vicinity of the northerly shore of the Ottawa River, in the province of Quebec, within or adjacent to each of the counties of Pontiac, Wright, Labelle, Argenteuil, Deux Montagnes, Laval, Jacques Cartier and Hochelaga, to or in the vicinity of Montreal, and with right to cross the Ottawa River to such place or places in Ontario as may be deemed necessary for the objects and purposes of the Company, as well as for branch lines;	<b>10</b>
Water power.	(b) acquire, own, develop, improve, maintain and operate water powers, use, supply and sell water power, for any purpose, by any means of application;	
Electricity, etc.	(c) generate, by means of water power or otherwise, electricity, heat, light, pneumatic, hydraulic or other power, and any form of energy; and convey, lead or transmit the same by any means; and lease, acquire, use, sell or dispose of such power and energy, and accumulate, generate, transmit and distribute the same as may be deemed advantageous, and subject to the provisions of <i>The Electricity Inspection Act, 1907</i> ;	<b>20</b>
1907, c. 14.	(d) construct, maintain and operate all necessary works, dams, wing dams, canals, in-takes, tail races, piers, booms, dykes, channels, conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments and devices, and erect and maintain poles and towers, and lay mains, pipes, cables, wires, baskets or other conductors and connect them with similar lines, either along the lines of the Company's right of way, or at the Company's works or terminals within Canada;	<b>25</b>
Works, etc., for developing and conveying power.	(e) manufacture, buy, sell and deal in machinery, engines, hydraulic wheels, motors, electrical apparatus of all kinds and varieties, and supplies therefor;	<b>30</b>
Machinery.	(f) Acquire such lands, easements, privileges, water, water rights and licenses as are necessary or advantageous for the purposes of its undertaking;	<b>35</b>
Lands.	(g) 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;	<b>40</b>
Other property.	(h) 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.	<b>45</b>
Shares in other companies.		
Telegraph and telephone lines.	<b>9.</b> The Company may construct, maintain and operate telegraph and telephone lines in connection with and solely for the purposes of its own works.	<b>50</b>

- 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—
- 5 (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 for sums not less than one hundred dollars each, and pledge, hypothecate or sell the same for such sums and at such prices as
- 10 may be deemed expedient;  
 (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.
- 15 **2.** Nothing in this section contained shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Company.
- 11.** The Company may enter into and carry into effect any
- 20 agreement with the council or corporation of any municipality for the supply of water power, pneumatic power, electricity, heat, light and other energy, for any purpose or purposes for which the same can be used by such municipality or by any inhabitant thereof, and upon such terms and conditions as may
- 25 be agreed upon with the Company.
- 12.** The Company shall not enter within the limits of any town or city with any transmission line, nor sell nor distribute electrical or other power therein, without the consent of such municipality first obtained and expressed by by-law.
- 30 **13.** The Company may purchase, or otherwise acquire, any business within the objects for which the Company is incorporated and any lands, property, privileges, rights, contracts and liabilities appertaining to such business; and may let or sublet any property of the Company; and may sell or otherwise dispose of
- 35 the business, property or undertaking of the Company, or any part thereof, for such consideration as the Company may think fit, and in particular for shares, debentures or securities of any other Company having objects altogether or in part similar to those of the Company.
- 40 **14.** The Company shall have the right, by such means as it may find most available and desirable, to cross the river Ottawa into the province of Ontario for the construction of its lines, ways and means, and for the supply, sale and transmission of any form of hydraulic, pneumatic or electrical power as supplied
- 45 by the Company to any persons, companies or parties desirous of using the same.
- 15.** 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

Borrowing  
Powers.  
Authority.

Bills and  
notes.

Agreements  
with  
municipali-  
ties.

Consent of  
towns and  
cities.

Power to  
acquire  
similar  
business.

Lease.

Sale of  
company's  
business.

Considera-  
tion.

Right to cross  
Ottawa  
River.

Time of  
paid-up  
stock.

right of way, plant or materials of any kind, and also for the services of contractors and engineers, and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Application of R.S., c. 37 for certain purposes.

**16.** *The Railway Act* so far as it is applicable and not inconsistent with this Act, shall apply to the Company and to its undertaking, with respect to the acquisition of right of way and possession, the determination of compensation and damages, and the construction of telegraphs and telephones authorized by this Act. 5

Interpretation. "company." "land."

2. Wherever in *The Railway Act* the word "company" occurs, it shall include the Company hereby incorporated. 10

3. Wherever in *The Railway Act* the word "land" occurs, it shall include any privilege, easement, possession or title required by the Company for constructing or operating the works authorized by this Act under, over or along any lands with or without the necessity of acquiring a title in free simple. 15

R.S., c. 79, S. 141 excluded.

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

THE SENATE OF CANADA.

BILL

II

An Act to incorporate Ottawa and Montreal Transmission Company, Limited.

Received and read a first time,

Thursday, 24th February, 1910.

Second reading,

Tuesday, 1st March, 1910.

Honourable Mr. BÉRIEUX.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

## THE SENATE OF CANADA.

### BILL II.

An Act to incorporate Ottawa and Montreal Power and Transmission Company, Limited.

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

Preamble.

**1.** Cameron McPherson Edwards, John Burns Fraser, Russell Gordon Edwards, William Henry Alexander Fraser, Hiram Robinson, Henry Kelly Egan, Robert Lennox Blackburn and Russell Blackburn, all of the city of Ottawa in the province of Ontario, together with such other persons as become shareholders in the company, are hereby incorporated under the name of "Ottawa and Montreal Power and Transmission Company, Limited," 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, and shall have all the powers which are conferred upon the directors by this Act and by Part II of *The Companies Act*; and, until otherwise ordered by by-law or resolution of the provisional directors, any five of them may call meetings of the provisional directors, which shall be held in the city of Ottawa at such place and time as they may determine, and the notice of any such meeting shall be signed by the provisional directors calling the same.

Provisional directors.

Powers.

Meetings.

**3.** The capital stock of the Company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital.

Shares.

**4.** The head office of the Company shall be at the city of Ottawa in the province of Ontario, or at such other place as may be fixed by by-law of the Company.

Head office.

First general meeting.

5. The provisional directors, or any five of them, may, on notice, call a first general meeting of the Company, to be held at a place, to be named in the said notice, in the said city of Ottawa at such time as they determine, for the purposes of—

(a) passing or ratifying the by-laws of the Company;

(b) electing directors;

(c) considering and determining upon any other business of the Company specified in the said notice calling such meeting.

Annual meeting.

6. The annual meeting of the Company shall be held on the second Wednesday of February, at the head office of the Company, or at such other date as is fixed by by-law of the Company.

Directors.

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

Powers.

8. For the purposes of obtaining, developing, improving or generating water power, using water power by any means of application, converting water power into electricity, heat, light and any other form of energy, storing water power, compressed air, electricity, heat, light or any other form of energy, and of transmitting, supplying and disposing of the same by any means, for use in any manner, at any place along or in the vicinity of

Limitation as to place.

the northerly shore of the Ottawa river, in the province of Quebec, within or adjacent to each of the counties of Pontiac, Wright, Labelle, Argenteuil, Deux Montagnes, Laval, Jacques, Cartier and Hochelaga, to or in the vicinity of Montreal, and with the right to cross the river Ottawa, under the provisions of Part I, of *The Navigable Waters Protection Act*, which shall apply to the works authorized by this Act, to such place or places within the counties of Ontario which lie along the southerly shore of the Ottawa river immediately opposite the above mentioned counties within the province of Quebec, for the objects and purposes of the Company, as well as for branch lines the Company may—

R.S., c. 115.

Water power.

(a) acquire, own, develop, improve, maintain and operate water powers, use, supply and sell water power, for any purpose, by any means of application;

Electricity, etc.

(b) generate, by means of water power or otherwise, electricity, heat, light, pneumatic, hydraulic or other power, and any form of energy; and convey, lead or transmit the same by any means; and lease, acquire, use, sell or dispose of such power and energy, and accumulate, generate, transmit and distribute the same as may be deemed advantageous, and subject to the provisions of *The Electricity Inspection Act, 1907*;

1907, c. 14.

Works, etc., for developing and conveying power.

(c) construct, maintain and operate all necessary works, dams, wing dams, canals, in-takes, tail races, piers, booms, dykes, channels, conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments and devices, and erect and maintain poles and towers, and lay mains, pipes, cables, wires, baskets or other conductors and connect them

with similar lines, either along the lines of the Company's right of way, or at the Company's works or terminals within Canada;

(d) manufacture, buy, sell and deal in machinery, engines, hydraulic wheels, motors, electrical apparatus of all kinds and varieties, and supplies therefor; Machinery

(e) Acquire such lands, easements, privileges, water, water rights and licenses as are necessary or advantageous for the purposes of its undertaking; Lands

(f) 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; Other property

(g) 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. Shares in other companies.

**9.** The Company may construct, maintain and operate telegraph and telephone lines in connection with and solely for the purposes of its own works. Telegraph and telephone lines.

**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. Authority

(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 for sums not less than one hundred dollars each, and pledge, hypothecate or sell the same for such sums and at such prices as may be deemed expedient;

(d) hypothecate, mortgage or pledge the real or personal property of the Company or both, to secure any such bonds, debentures or other securities and any money borrowed for the purposes of the Company.

2. Nothing in this section contained shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Company. Bills and notes.

**11.** The Company may enter into and carry into effect any agreement with the council or corporation of any municipality for the supply of water power, pneumatic power, electricity, heat, light and other energy, for any purpose or purposes for which the same can be used by such municipality or by any inhabitant thereof, and upon such terms and conditions as may be agreed upon with the Company. Agreements with municipalities

**12.** The Company shall not enter within the limits of any town or city with any transmission line, nor sell nor distribute electrical or other power therein, without the consent of such municipality first obtained and expressed by by-law. Consent of towns and cities

Power to acquire similar business.

Lease.

Sale of company's business.

Consideration.

Expropriation.

Approval of plan.

S. 37.

Proviso.

R.S., c. 79, S. 141 excluded.

**13.** The Company may purchase, or otherwise acquire, any business within the objects for which the Company is incorporated and any lands, property, privileges, rights, contracts and liabilities appertaining to such business; and may let or sublet any property of the Company; and may sell or otherwise dispose of the business, property or undertaking of the Company, or any part thereof, for such consideration as the Company may think fit, and in particular for shares, debentures or securities of any other Company having objects altogether or in part similar to those of the Company. 5 10

**14.** Lands or easements actually required for the construction maintenance and operation of any means of transmission of compressed air, electricity, heat, light or other form of energy, may be taken and acquired by the Company; and to this end, after a plan of any such lands or easements required has been approved by the Governor in Council, all the provisions of *The Railway Act* which are applicable to such taking and acquisition shall, so far as they are applicable thereto, and *mutatis mutandis*, apply as if they were included in this Act; and all the provisions of *The Railway Act* which are applicable shall, in like manner, *mutatis mutandis*, apply to the valuation and payment of the compensation for, or of any damage to lands arising out of such taking and acquisition for the purposes aforesaid, or out of the construction, maintenance and operation of such means of transmission: Provided, however, that the power of expropriation granted by this section shall not be exercised within a distance of half a mile from the Ottawa River. 15 20 25

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

[Bill sent down from the Senate, and reprinted as amended and reported by the Miscellaneous Private Bills Committee.]

[Additions are placed between square brackets. Omissions are indicated by asterisks.]

## SENATE BILL II.

PASSED BY SENATE MARCH 11, 1910.

### HOUSE OF COMMONS BILL 178.

An Act to incorporate Ottawa and Montreal Power and Transmission Company, Limited.

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

**1.** Cameron McPherson Edwards, John Burns Fraser, Russell Gordon Edwards, William Henry Alexander Fraser, Hiram Robinson, Henry Kelly Egan, Robert Lennox Blackburn and Russell Blackburn, all of the city of Ottawa in the province of Ontario, together with such other persons as become shareholders in the company, are hereby incorporated under the name of "Ottawa and Montreal [ \* ] Transmission Company, Limited," hereinafter called "the Company."

**2.** The persons named in section 1 of this Act shall be the first or provisional directors of the Company, and shall have all the powers which are conferred upon the directors by this Act and by Part II of *The Companies Act*; and, until otherwise ordered by by-law or resolution of the provisional directors, any five of them may call meetings of the provisional directors, which shall be held in the city of Ottawa at such place and time as they may determine, and the notice of any such meeting shall be signed by the provisional directors calling the same.

**3.** The capital stock of the Company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Head office. 4. The head office of the Company shall be at the city of Ottawa in the province of Ontario, or at such other place [in Canada] as may be fixed by by-law of the Company.

First general meeting. 5. The provisional directors, or any five of them, may, on notice, call a first general meeting of the Company, to be held at a place, to be named in the said notice, in the said city of Ottawa at such time as they determine, for the purposes of—  
(a) passing or ratifying the by-laws of the Company;  
(b) electing directors;  
(c) considering and determining upon any other business of the Company specified in the said notice calling such meeting.

Annual meeting. 6. The annual meeting of the Company shall be held on the second Wednesday of February, at the head office of the Company, or at such other date as is fixed by by-law of the Company.

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

Powers. [8. The Company may,—  
(a) for the purpose only of transmitting electricity or electric or other power, current or energy, construct, maintain, operate, use and manage conduits and tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments and devices in connection therewith and for such purposes erect and maintain poles and towers, and lay and maintain pipes, cables, wires or other conductors and connect them with the lines of other companies having similar powers.  
(b) acquire by purchase or lease electricity and electric, pneumatic or other current, power or force, and may supply, distribute, sell, lease, contract for or otherwise dispose thereof for the purposes of light, heat or power or any other purpose for which electricity or electric or other power, current or energy can be used;  
(c) acquire such lands, easements and privileges as are necessary for the purposes of its undertaking.]

Disputes to be decided by Railway Commission. [9. In case of any dispute or difference as to the price to be charged by the Company for power or electrical or other energy for any of the purposes in this Act mentioned, or as to the methods of distribution thereof, or as to the time within which it shall be furnished, or as to the quantity to be furnished, or as to the conditions upon which it shall be furnished for use, such dispute or difference shall be settled by the Board of Commissioners for Canada on the application of any user of or applicant for power, or electrical or other energy produced by the Company, or upon the application of the Company. The said Board, on the application of any person or municipality, or on the application of the Government of Canada, or of the Govern-

ment of the province of Ontario, or of the Government of the province of Quebec, may fix from time to time for periods not to extend over five years, the prices, terms and conditions at or upon which the Company shall furnish or supply power or  
5 electrical or other energy for any of the purposes in this Act mentioned; and the said Board shall fix the prices from time to time for periods not to extend over five years at which the Company may purchase electricity and electric, pneumatic or other current, power or force, and shall fix the prices from  
10 time to time for periods not to extend over five years at which the Company shall sell or lease such electricity and electric, pneumatic or other current, power or force.]

[10. Section 247 of *The Railway Act* shall apply to the works and undertaking of the Company.] R.S., c. 37, s. 247.

15 [11. *The Navigable Waters Protection Act* and *The Electricity Inspection Act, 1907*, shall, so far as applicable, and when not inconsistent with this Act, apply to the works and undertaking of the Company.] R.S., c. 115; 1907, c. 14.

20 12. The Company may construct, maintain and operate telegraph and telephone lines in connection with and solely for the purposes of its own works. Telegraph and telephone lines.

25 13. 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 for sums not less than one hundred dollars each, and pledge,  
30 hypothecate or sell the same for such sums and at such prices as may be deemed expedient;

(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 pur-  
35 poses of the Company.

2. Nothing in this section shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Company. Bills and notes.

40 14. The Company may enter into and carry into effect any agreement with the council or corporation of any municipality for the supply of [ \* ] pneumatic power, electricity, heat, light and other energy, for any purpose or purposes for which the same can be used by such municipality or by any inhabitant  
45 thereof, and upon such terms and conditions as may be agreed upon with the Company. Agreements with municipalities

Approval of plans. [15. The powers conferred upon the Company by this Act shall not be exerciseable until the Company has first submitted to the Governor in Council plans of such works, and has received his assent thereto. Provided, however, that before applying for the approval of the Governor in Council, the Company shall give notice of such application by advertisement for four weeks in *The Canada Gazette* and for a like period in one newspaper published in each of the following places, namely, the cities of Montreal and Hull and the town of Lachute and the village of Quyon in the province of Quebec, and in the city of Ottawa and the town of Pembroke in the province of Ontario.]

R.S., c. 37. Interpretation. [16. *The Railway Act*, so far as applicable, and when not inconsistent with this Act, shall apply to the Company and its undertaking.]

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

"Railway." 3. Wherever in *The Railway Act* the word "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to this Act or to the Company, mean the works authorized by this Act to be constructed.

Expropriation powers in certain districts. 4. The expropriation powers hereby conferred upon the Company shall only be exercised in the counties of Pontiac, Wright, Labelle, Argenteuil, Two Mountains, Laval, Jacques Cartier and Hochelaga and the cities of Hull and Montreal, in the province of Quebec: Provided, however, that the power of expropriation granted by this section shall not be exercised within a distance of half a mile from the Ottawa river.

Expropriation powers limited. 5. The land to be taken or used by the Company without the consent of the proprietor, for the purposes of its transmission lines, shall not exceed such land as is necessary for the proper construction, operation and maintenance of the said transmission lines, and as shewn on the plans to be approved as in this Act provided. Any easement that may be taken by the Company shall be confined to the carrying of the said transmission lines across or upon any highway or public place or across any river or stream; and, except in the cases aforesaid, the Company in the taking of land shall not only pay the value of the land so taken but shall also pay due compensation to the owner for any damage which the taking of such land and the building of such transmission lines may cause to the remainder of the property or otherwise.]

Exportation of power to United States prohibited. [17. Nothing in this Act shall be construed to empower the Company to export electricity or electric or other power to the United States.]

[18. Nothing in this Act shall be construed to prevent the Government of Canada from improving the navigation of the Ottawa river or any other waterways tributary thereto, or to give the Company any claim for damages by reason of any such  
5 improvements being made.]

Improvements by Government.

[19. The construction of the works of the Company shall be commenced within three years and completed within five years after the passing of this Act, and if the said works are not so commenced and completed the powers hereby granted shall cease  
10 as respects so much of the said works as then remains uncompleted.]

Time for construction of works limited.

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

R.S., c. 79, s. 141.



# THE SENATE OF CANADA.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## BILL JJ.

An Act for the relief of James Albert Green.

**W**HEREAS James Albert Green, of the township of Culross, Preamble.  
in the province of Ontario, yeoman, has by his petition  
alleged, in effect, that on the twentieth day of September, A.D.  
1893, at Greenock, in the county of Bruce, province of Ontario,  
5 he was lawfully married to Sarah Emilia Sillick, that she was  
then of the said township of Culross, a spinster; that his legal  
domicile was then and is now in Canada; that on or about the  
twenty-eighth day of May, A.D. 1908, she deserted him without  
cause, and has not since such desertion lived with nor had  
10 intercourse with him; that since such desertion she has lived  
in the neighbourhood of Rapid City, in the province of Manitoba,  
with one Ernest Whelpton as wife with husband, and was so  
living on the sixth day of November, A.D. 1909; that on or  
about the nineteenth day of April, A.D. 1909, she gave birth  
15 to a male child of which the said James Albert Green is not the  
father, that thereby she has committed adultery; that he  
has not connived at nor condoned the said adultery; that there  
has been no collusion directly or indirectly, between him and  
her in the proceedings for divorce; and whereas by his petition  
20 he has prayed for the passing of an Act dissoving his said  
marriage, authorizing him to marry again, and affording him  
such other relief as is deemed meet; and whereas the said  
allegations have been proved, and it is expedient that the prayer  
of his petition be granted: Therefore His Majesty, by and with  
25 the advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

1. The said marriage between James Albert Green and Sarah Marriage dissolved.  
Emilia Sillick, his wife, is hereby dissolved, and shall be hence-  
forth null and void to all intents and purposes whatsoever.

30 2. The said James Albert Green may at any time hereafter Right to marry again.  
marry any woman he might lawfully marry if the said marriage  
with the said Sarah Emilia Sillick had not been solemnized.

THE SENATE OF CANADA.

BILL

JJ

An Act for the relief of James Albert Green.

Received and read a first time,

Thursday, 24th February, 1910.

Second reading,

Tuesday, 1st March, 1910.

Honourable Mr. Frost.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

THE SENATE OF CANADA.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

BILL JJ.

An Act for the relief of James Albert Green.

WHEREAS James Albert Green, of the township of Culross, <sup>Preamble.</sup>  
in the province of Ontario, yeoman, has by his petition  
alleged, in effect, that on the twentieth day of September, A.D.  
1893, at Greenock, in the county of Bruce, province of Ontario,  
5 he was lawfully married to Sarah Emilia Sillick, that she was  
then of the said township of Culross, a spinster; that his legal  
domicile was then and is now in Canada; that on or about the  
twenty-eighth day of May, A.D. 1908, she deserted him without  
cause, and has not since such desertion lived with nor had  
10 intercourse with him; that since such desertion she has lived  
in the neighbourhood of Rapid City, in the province of Manitoba,  
with one Ernest Whelpton as wife with husband, and was so  
living on the sixth day of November, A.D. 1909; that on or  
about the nineteenth day of April, A.D. 1909, she gave birth  
15 to a male child of which the said James Albert Green is not the  
father, that thereby she has committed adultery; that he  
has not connived at nor condoned the said adultery; that there  
has been no collusion directly or indirectly, between him and  
her in the proceedings for divorce; and whereas by his petition  
20 he has prayed for the passing of an Act dissolving his said  
marriage, authorizing him to marry again, and affording him  
such other relief as is deemed meet; and whereas the said  
allegations have been proved, and it is expedient that the prayer  
of his petition be granted: Therefore His Majesty, by and with  
25 the advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

1. The said marriage between James Albert Green and Sarah <sup>Marriage</sup>  
Emilia Sillick, his wife, is hereby dissolved, and shall be hence- <sup>dissolved.</sup>  
forth null and void to all intents and purposes whatsoever.

30 2. The said James Albert Green may at any time hereafter <sup>Right to</sup>  
marry any woman he might lawfully marry if the said marriage <sup>marry again.</sup>  
with the said Sarah Emilia Sillick had not been solemnized.



## THE SENATE OF CANADA.

### BILL KK.

An Act respecting The Montreal and Southern Counties  
Railway Company.

**W**HEREAS The Montreal and Southern Counties Railway Preamble.  
Company has by its petition prayed that it be enacted 1897, c. 56;  
as hereinafter set forth, and it is expedient to grant the prayer 1898, c. 78;  
of the said petition: Therefore His Majesty, by and with the 1902, c. 78;  
5 advice and consent of the Senate and House of Commons of 1905, c. 129.  
Canada, enacts as follows:—

10 **1.** The Montreal and Southern Counties Railway Company Extension of  
may, within five years after the passing of this Act, complete time for  
and put in operation the line of railway which it was author- completion.  
ized to construct by chapter 56 of the statutes of 1897, as  
amended by chapter 78 of the statutes of 1898, chapter 78  
of the statutes of 1902 and chapter 129 of the statutes of 1905;  
and if the said railway is not so completed and put in operation  
15 by Parliament shall cease and be null and void as respects  
so much of the said railway as then remains uncompleted.

**2.** Section 3 of chapter 129 of the statutes of 1905 is hereby Former  
repealed. time limit  
repealed.

THE SENATE OF CANADA.

BILL

KK

An Act respecting the Montreal and Southern Counties Railway Company.

Received and read a first time,

Friday, 25th February, 1910.

Second reading,

Wednesday, 2nd March, 1910.

Honourable Mr. David.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty

1909-10

BILL AS PASSED MARCH 11, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL KK.

An Act respecting The Montreal and Southern Counties  
Railway Company.

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

Preamble  
1897, c. 56,  
1898, c. 78,  
1902, c. 78  
1905, c. 129

**1.** The Montreal and Southern Counties Railway Company  
may, within five years after the passing of this Act, complete  
and put in operation the line of railway which it was author-  
10 ized to construct by chapter 56 of the statutes of 1897, as  
amended by chapter 78 of the statutes of 1898, chapter 78  
of the statutes of 1902 and chapter 129 of the statutes of 1905;  
and if the said railway is not so completed and put in operation  
within the said period, the powers of construction conferred  
15 by Parliament shall cease and be null and void as respects  
so much of the said railway as then remains uncompleted.

Extension of  
time for  
completion

**2.** Section 3 of chapter 129 of the statutes of 1905 is hereby  
repealed.

Former  
time limit  
repealed.



## THE SENATE OF CANADA.

### BILL LL.

An Act for the relief of Alexander Augustus Barthelmes.

**W**HEREAS Alexander Augustus Barthelmes, of the city of Preamble.

Toronto, in the province of Ontario, manufacturer, has by his petition alleged, in effect, that on the twelfth day of October, A.D. 1894, at the said city of Toronto, he was lawfully  
5 married to Catherine Camille Doran; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that at the said city of Toronto, in or about the month of September, A.D. 1908, she committed adultery with David Foster, of the said city, fruit dealer; that  
10 he has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording  
15 him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

20 **1.** The said marriage between Alexander Augustus Bar- Marriage dissolved.  
thelmes and Catherine Camille Doran, his wife, is hereby dis-  
solved, and shall be henceforth null and void to all intents and purposes whatsoever.

**2.** The said Alexander Augustus Barthelmes may at any time Right to marry again.  
25 hereafter marry any woman he might lawfully marry if the said  
marriage with the said Catherine Camille Doran had not been solemnized.

THE SENATE OF CANADA.

BILL

LL

An Act for the relief of Alexander Augustus  
Barthelmes.

Received and read a first time,

Friday, 25th February, 1910.

Second reading,

Thursday, 3rd March, 1910.

Honourable Mr. DERBYSHIRE.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty

1909-10

BILL AS PASSED MARCH 4, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL LL.

An Act for the relief of Alexander Augustus Barthelmes.

**W**HEREAS Alexander Augustus Barthelmes, of the city of Preamble.  
 Toronto, in the province of Ontario, manufacturer, has by his petition alleged, in effect, that on the twelfth day of October, A.D. 1894, at the said city of Toronto, he was lawfully  
 5 married to Catherine Camille Doran; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that at the said city of Toronto, in or about the month of September, A.D. 1908, she committed adultery with David Foster, of the said city, fruit dealer; that  
 10 he has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording  
 15 him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

20 **1.** The said marriage between Alexander Augustus Barthelmes and Catherine Camille Doran, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

**2.** The said Alexander Augustus Barthelmes may at any time Right to marry again.  
 25 hereafter marry any woman he might lawfully marry if the said marriage with the said Catherine Camille Doran had not been solemnized.



## THE SENATE OF CANADA.

### BILL MM.

An Act for the relief of Cecilia Marie Pringle.

**W**HEREAS Cecilia Marie Pringle, presently residing at the Preamble.  
city of Montreal, in the province of Quebec, wife of Robert  
Edmund Thomas Pringle, of the said city of Montreal, has by  
her petition alleged, in effect, that they were lawfully married  
5 on the 30th day of April, A.D. 1901, at the said city of Montreal,  
she then being Cecilia Marie Brennan, a spinster; that the legal  
domicile of the said Robert Edmund Thomas Pringle was then  
and is now in Canada; that at the said city of Montreal on several  
occasions during October, November and December, A.D. 1908,  
10 he committed adultery with Annie Elliot; that at divers times  
during the years A.D. 1908 and A.D. 1909, he frequented houses  
of ill fame in the said city and there committed adultery with  
various women, to wit, with Sybil Burns in February, A.D. 1909,  
with a woman whose name is unknown, in May, A.D. 1909, and  
15 with Catherine Gillmour in August, A.D. 1909; that she has not  
connived at nor condoned any of the said acts of adultery; that  
there has been no collusion directly or indirectly, between him  
and her in the proceedings for divorce; and whereas by her  
petition she has prayed for the passing of an Act dissolving her  
20 said marriage, authorizing her to marry again, and affording her  
such other relief as is deemed meet; and whereas the said  
allegations have been proved, and it is expedient that the prayer  
of her petition be granted: Therefore His Majesty, by and with  
the advice and consent of the Senate and House of Commons of  
25 Canada enacts as follows:—

1. The said marriage between Cecilia Marie Brennan and Marriage dissolved.  
Robert Edmund Thomas Pringle, her husband, is hereby dis-  
solved, and shall be henceforth null and void to all intents and  
purposes whatsoever.

30 2. The said Cecilia Marie Brennan may at any time hereafter Right to marry again.  
marry any man whom she might lawfully marry if the said  
marriage with the said Robert Edmund Thomas Pringle had not  
been solemnized.

THE SENATE OF CANADA.

**BILL**

**MM**

An Act for the relief of Cecilia Marie  
Pringle.

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Received and read a first time,

Friday, 25th February, 1910.

Second reading,

Wednesday, 2nd March, 1910.

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Honourable Mr. MACKEN.

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OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

## THE SENATE OF CANADA.

### BILL MM.

#### An Act for the relief of Cecilia Marie Pringle.

**W**HEREAS Cecilia Marie Pringle, presently residing at the <sup>Preamble.</sup> city of Montreal, in the province of Quebec, wife of Robert Edmund Thomas Pringle, of the said city of Montreal, has by her petition alleged, in effect, that they were lawfully married 5 on the 30th day of April, A.D. 1901, at the said city of Montreal, she then being Cecilia Marie Brennan, a spinster; that the legal domicile of the said Robert Edmund Thomas Pringle was then and is now in Canada; that at the said city of Montreal on several 10 occasions during October, November and December, A.D. 1908, he committed adultery with Annie Elliot; that at divers times during the years A.D. 1908 and A.D. 1909, he frequented houses of ill fame in the said city and there committed adultery with 15 various women, to wit, with Sybil Burns in February, A.D. 1909, with a woman whose name is unknown, in May, A.D. 1909, and with Catherine Gillmour in August, A.D. 1909; that she has not 20 connived at nor condoned any of the said acts of adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her 25 said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

**1.** The said marriage between Cecilia Marie Brennan and Robert Edmund Thomas Pringle, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever. <sup>Marriage dissolved.</sup>

**2.** The said Cecilia Marie Brennan may at any time hereafter 30 marry any man whom she might lawfully marry if the said marriage with the said Robert Edmund Thomas Pringle had not been solemnized. <sup>Right to marry again.</sup>



## THE SENATE OF CANADA.

### BILL NN.

#### An Act for the relief of Ada Ann Reed.

**W**HEREAS Ada Ann Reed, presently residing at the city of Preamble.  
Toronto, in the province of Ontario, wife of Josiah Lang-  
rish Reed, formerly of the said city of Toronto, has by her  
petition alleged, in effect, that they were lawfully married on the  
5 5th day of May, A.D. 1889, at the Register Office for the district  
of Portsea Island, in the county of Hants, in the United Kingdom  
of Great Britain and Ireland; she then being Ada Ann Rossey,  
spinster; that the legal domicile of the said Josiah Langrish Reed  
was then in England, but is now in Canada; that at the town of  
10 Unalaska, in the district of Alaska, in the United States of  
America, on divers occasions during the period between the latter  
part of December, A.D. 1899 and April, A.D. 1901, he committed  
adultery with an Indian woman, the wife of an Indian chief  
known as Old Rufe; that she has not connived at nor condoned  
15 the said adultery; that there has been no collusion directly or  
indirectly, between him and her in the proceedings for divorce;  
and whereas by her petition she has prayed for the passing of an  
Act dissolving her said marriage, authorizing her to marry  
again, and affording her such other relief as is deemed meet;  
20 and whereas the said allegations have been proved, and it is  
expedient that the prayer of her petition be granted: Therefore  
His Majesty, by and with the advice and consent of the Senate  
and House of Commons of Canada, enacts as follows:—

**1.** The said marriage between Ada Ann Rossey and Josiah Marriage  
25 Langrish Reed, her husband, is hereby dissolved, and shall be dissolved.  
henceforth null and void to all intents and purposes whatsoever.

**2.** The said Ada Ann Rossey may at any time hereafter Right to  
marry any man whom she might lawfully marry if the said marry again.  
marriage with the said Josiah Langrish Reed had not been  
30 solemnized.

THE SENATE OF CANADA.

BILL

NN

An Act for the relief of Ada Ann Reed.

Received and read a first time,

Friday, 2<sup>nd</sup> February, 1910.

Second reading,

Wednesday, 2nd March, 1910.

Honourable Mr. JONES.

BILL AS PASSED MARCH 3, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL NN.

An Act for the relief of Ada Ann Reed.

WHEREAS Ada Ann Reed, presently residing at the city of Preamble.  
 Toronto, in the province of Ontario, wife of Josiah Lang-  
 5 rish Reed, formerly of the said city of Toronto, has by her  
 petition alleged, in effect, that they were lawfully married on the  
 5th day of May, A.D. 1889, at the Register Office for the district  
 of Portsea Island, in the county of Hants, in the United Kingdom  
 of Great Britain and Ireland; she then being Ada Ann Rossey,  
 spinster; that the legal domicile of the said Josiah Langrish Reed  
 10 was then in England, but is now in Canada; that at the town of  
 Unalaska, in the district of Alaska, in the United States of  
 America, on divers occasions during the period between the latter  
 part of December, A.D. 1899 and April, A.D. 1901, he committed  
 adultery with an Indian woman, the wife of an Indian chief  
 known as Old Rufe; that she has not connived at nor condoned  
 15 the said adultery; that there has been no collusion directly or  
 indirectly, between him and her in the proceedings for divorce;  
 and whereas by her petition she has prayed for the passing of an  
 Act dissolving her said marriage, authorizing her to marry  
 again, and affording her such other relief as is deemed meet;  
 20 and whereas the said allegations have been proved, and it is  
 expedient that the prayer of her petition be granted: Therefore  
 His Majesty, by and with the advice and consent of the Senate  
 and House of Commons of Canada, enacts as follows:—

1. The said marriage between Ada Ann Rossey and Josiah Marriage  
 25 Langrish Reed, her husband, is hereby dissolved, and shall be dissolved.  
 henceforth null and void to all intents and purposes whatsoever.

2. The said Ada Ann Rossey may at any time hereafter Right to  
 marry any man whom she might lawfully marry if the said marry again.  
 marriage with the said Josiah Langrish Reed had not been  
 30 solemnized.



## THE SENATE OF CANADA

### BILL OO.

An Act for the relief of Elmore Walker Scott.

**W**HEREAS Elmore Walker Scott of the city of Toronto, in Preamble.  
the province of Ontario, telegraph operator, has by his  
petition alleged, in effect, that on the twenty-fifth day of July,  
A.D. 1907, at the said city of Toronto, he was lawfully married  
**5** to Minnie Tanner; that she was then of the said city of Toronto,  
a spinster; that his legal domicile was then and is now in Canada;  
that at the said city of Toronto on or about the twenty-sixth  
day of October, A.D. 1909, she committed adultery with one  
Clifford Hait; that he has not connived at nor condoned the  
**10** said adultery; that there has been no collusion, directly or  
indirectly, between him and her in the proceedings for divorce;  
and whereas by his petition he has prayed for the passing of an  
Act dissolving his said marriage, authorizing him to marry again,  
and affording him such other relief as is deemed meet; and  
**15** whereas the said allegations have been proved, and it is expe-  
dient that the prayer of the said petition be granted: Therefore  
His Majesty, by and with the advice and consent of the Senate  
and House of Commons of Canada, enacts as follows:—

**20** **1.** The said marriage between Elmore Walker Scott and Marriage  
Minnie Tanner, his wife, is hereby dissolved, and shall be hence- dissolved.  
forth null and void to all intents and purposes whatsoever.

**2.** The said Elmore Walker Scott may at any time hereafter Right to  
marry any woman he might lawfully marry if the said marriage marry again.  
with the said Minnie Tanner had not been solemnized.

THE SENATE OF CANADA.

BILL

00

An Act for the relief of Elmore Walker  
Scott.

Received and read a first time,

Tuesday, 1st March, 1910.

Second reading,

Tuesday, 8th March, 1910.

Honourable Mr. YOUNG.

OTTAWA

Printed by C. H. PARREREE

Printer to the King's most Excellent Majesty  
1909-10

## THE SENATE OF CANADA.

### BILL PP.

#### An Act to incorporate The Catholic Episcopal Corporation of Timiskaming.

**W**HEREAS the Right Reverend Elie Anicet Latulipe, Bishop of Catenna and Vicar Apostolic of the Catholic Vicariate Apostolic of Timiskaming, which is situated partly in the province of Quebec, partly in the province of Ontario, and partly in the North West Territories, has by his petition prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The Right Reverend Elie Anicet Latulipe, Vicar Apostolic of the said Catholic Vicariate Apostolic of Timiskaming, and his successors in the said office, are hereby constituted a corporation under the name of "The Catholic Episcopal Corporation of Timiskaming", hereinafter called "the Corporation", for the purposes of administering the property, business and other temporal affairs of the said Vicariate Apostolic.

**2.** The head office of the Corporation shall be in the town of Haileybury, in the province of Ontario.

**3.** The Corporation may, from time to time, make by-laws, not contrary to law, for:—

- (a) the administration, management and control of the property, business and other temporal affairs of the Corporation;
- (b) the appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;
- (c) the appointment of an executive committee and of special committees, from time to time, for the management of any property, business or temporal affairs of the Corporation;
- (d) the calling of meetings, regular or special, of the executive committee and of such special committees;
- (e) the fixing of the necessary quorum and procedure in all things at such meetings;
- (f) generally, for the carrying out of the objects and purposes of the Corporation.

**4.** The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy, property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest

- therein whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased, or acquired by it in any manner or way whatsoever, to, for, or in favour of the ecclesiastical, eleemosynary and educational uses and purposes of the Catholic Church within the said Vicariate, or to, for, or in favour of the uses and purposes of any parish, mission, institution, college, school or hospital, connected with, or intended to be connected with, the Catholic Church in the said Vicariate: 5
- Limitation as to value. 2. The annual value of the real property held by or in trust for the Corporation in any province of Canada shall not exceed fifty thousand dollars. 10
- Holding of real property by way of security. 3. The Corporation may also hold such real property or estate there n as is *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgements recovered. 15
- Obligation to dispose of lands. 5. No parcel of land or interest therein, at any time acquired by the Corporation and not required for its actual use and occupation, and not held by way of security, shall be held by the Corporation or any trustee on its behalf, for a longer period than ten years after the acquisition thereof, but shall, at or before the expiration of such period, be absolutely sold or disposed of, so that the Corporation shall no longer retain any estate or interest therein, except by way of security. 20
- Limit as to time.
- Forfeiture to Crown. 2. Any such parcel of land, or any estate or interest therein, not within the exceptions hereinbefore mentioned, which has been held by the Corporation for a longer period than ten years without being disposed of, shall be forfeited to His Majesty for the use of Canada; but such forfeiture shall not take effect nor be enforced until the expiration of at least six calendar months after notice in writing from the Minister of Finance to the Corporation of the intention of His Majesty to claim such forfeiture. 25
- Notice. 30
- Statement. 3. The Corporation shall give the Minister of Finance when required a full and correct statement of all lands at the date of such statement held by the Corporation, or in trust for it, and subject to the provisions of this section. 35
- Investment in and disposal of real property. 6. Subject always to the terms of any trust relating thereto, the Corporation may sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Corporation, whether by the way of investment for the uses and purposes aforesaid or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property in any part of Canada; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly. 40 45 50

7. The Corporation may, from time to time, for the purposes of the Corporation:— Borrowing powers.

(a) borrow money upon the credit of the Corporation;

(b) make, draw, accept, endorse or become party to promissory notes and bills of exchange; but it shall not be necessary to have the seal of the Corporation affixed to any such note or bill.

(c) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation.

8. In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Corporation. Application of Dominion and Provincial mortmain laws.

9. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes aforesaid, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation. Authority for transfer of property held in trust.

10. Any deed or other instrument relating to real estate vested in the Corporation or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there are affixed thereto the seal of the Corporation and the signature of any officer of the Corporation duly authorized for such purpose or his lawful attorney. Execution of deeds.

11. In case the Vicar Apostolic for the time being of the said Vicariate is, by reason of absence, illness, infirmity, or any other cause, incapable to perform the duties of the Corporation, then his coadjutor or any other person lawfully appointed to perform his duties as Vicar Apostolic, shall, during such absence, illness, infirmity or incapability, have the powers by this Act conferred upon the Corporation. Exercise of powers in case of incapacity of Vicar Apostolic.

THE SENATE OF CANADA.

BILL

PP

An Act to incorporate The Catholic  
Episcopal Corporation of Timiskaming.

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Received and read a first time,

Wednesday, 2nd March, 1910.

Second reading,

Tuesday, 8th March, 1910.

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Honourable Mr. LOUGHEED.

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BILL AS PASSED MARCH 11, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL PP.

An Act to incorporate The Catholic Episcopal Corporation of Timiskaming.

**W**HEREAS the Right Reverend Elie Anicet Latulipe, Bishop of Catenna and Vicar Apostolic of the Catholic Vicariate Apostolic of Timiskaming, which is situated partly in the province of Quebec, partly in the province of Ontario, and partly in the North West Territories, has by his petition prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 10 **1.** The Right Reverend Elie Anicet Latulipe, Vicar Apostolic of the said Catholic Vicariate Apostolic of Timiskaming, and his successors in the said office, are hereby constituted a corporation under the name of "The Catholic Episcopal Corporation of Timiskaming", hereinafter called "the Corporation", for the purposes of administering the property, business and other temporal affairs of the said Vicariate Apostolic.
- 15 **2.** The head office of the Corporation shall be in the town of Haileybury, in the province of Ontario.
- 20 **3.** The Corporation may, from time to time, make by-laws, not contrary to law, for:—
- 25 (a) the administration, management and control of the property, business and other temporal affairs of the Corporation;
- (b) the appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;
- (c) the appointment of an executive committee and of special committees, from time to time, for the management of any property, business or temporal affairs of the Corporation;

Preamble.

Incorporation.

Corporate name.

Head office.

Power to make by-laws.

- (d) the calling of meetings, regular or special, of the executive committee and of such special committees;
- (e) the fixing of the necessary quorum and procedure in all things at such meetings;
- (f) generally, for the carrying out of the objects and purposes of the Corporation.

Power to acquire and hold real property.

4. The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy, property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest therein whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased, or acquired by it in any manner or way whatsoever, to, for, or in favour of the ecclesiastical, eleemosynary and educational uses and purposes of the Catholic Church within the said Vicariate, or to, for, or in favour of the uses and purposes of any parish, mission, college, school or hospital, connected with, or intended to be connected with, the Catholic Church in the said Vicariate:

Limitation as to value.

2. The annual value of the real property held by or in trust for the Corporation in any province of Canada shall not exceed fifty thousand dollars.

Holding of real property by way of security.

3. The Corporation may also hold such real property or estate there n as is *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgements recovered.

Obligation to dispose of lands.

5. No parcel of land or interest therein, at any time acquired by the Corporation and not required for its actual use and occupation, and not held by way of security, shall be held by the Corporation or any trustee on its behalf, for a longer period than ten years after the acquisition thereof, but shall, at or before the expiration of such period, be absolutely sold or disposed of, so that the Corporation shall no longer retain any estate or interest therein, except by way of security.

Limit as to time.

Forfeiture to Crown.

2. Any such parcel of land, or any estate or interest therein, not within the exceptions hereinbefore mentioned, which has been held by the Corporation for a longer period than ten years without being disposed of, shall be forfeited to His Majesty for the use of Canada; but such forfeiture shall not take effect nor be enforced until the expiration of at least six calendar months after notice in writing from the Minister of Finance to the Corporation of the intention of His Majesty to claim such forfeiture.

Notice.

Statement.

3. The Corporation shall give the Minister of Finance when required a full and correct statement of all lands at the date of such statement held by the Corporation, or in trust for it, and subject to the provisions of this section.

Investment in and disposal of real property.

6. Subject always to the terms of any trust relating thereto, the Corporation may sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Corporation,

whether by the way of investment for the uses and purposes aforesaid or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property in any part of Canada; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

7. The Corporation may, from time to time, for the purposes of the Corporation:—

Borrowing powers.

(a) borrow money upon the credit of the Corporation;

(b) make, draw, accept, endorse or become party to promissory notes and bills of exchange; but it shall not be necessary to have the seal of the Corporation affixed to any such note or bill.

(c) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation.

8. In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Corporation.

Application of Dominion and Provincial mortmain laws.

9. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes aforesaid, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation.

Authority for transfer of property held in trust.

10. Any deed or other instrument relating to real estate vested in the Corporation or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there are affixed thereto the seal of the Corporation and the signature of any officer of the Corporation duly authorized for such purpose or his lawful attorney.

Execution of deeds.

Exercise of  
powers in  
case of  
incapacity  
of Vicar  
Apostolic

**11.** In case the Vicar Apostolic for the time being of the said Vicariate is, by reason of absence, illness, infirmity, or any other cause, incapable to perform the duties of the Corporation, then his coadjutor or any other person lawfully appointed to perform his duties as Vicar Apostolic, shall, during such absence, illness, infirmity or incapability, have the powers by this Act conferred upon the Corporation. 5

PP—4

## THE SENATE OF CANADA.

### BILL QQ.

An Act to incorporate Insurance Company of Canada.

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

1. John Boyd, manager, James O'Connor, accountant, George  
Henry Hanna, jr., manager, John King, manager, and Edwin  
George Belfield, gentleman, all of the city of Montreal, together  
with such other persons as become shareholders in the company,  
10 are hereby incorporated under the name of "Insurance Com-  
pany of Canada," hereinafter called "the Company."

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 for the transaction of business. They shall remain  
15 in office until replaced by directors duly elected in their stead;  
and they may forthwith open stock books, procure subscrip-  
tions of stock for the undertaking, make calls on stock sub-  
scribed and receive payments thereon; and they shall deposit  
20 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 they may do generally  
what is necessary to organize the Company.

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

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  
30 not less than thirty days' notice of any call shall be given.

4. The head office of the Company shall be in the city of  
Montreal in the province of Quebec.

2. The directors may establish local advisory boards or  
agencies either in Canada or elsewhere in such manner as they  
35 deem expedient.

5. As soon as two hundred and fifty thousand dollars of the  
capital stock have been subscribed and ten per cent of that

- amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Montreal, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of 5 shares subscribed for by them shall elect a board of not less than eight nor more than twenty-four 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 twenty-five shares of the capital 10 stock 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 called at its head office once in each year after the organization of the Company and the commencement of business, and at such meeting 15 a statement of the affairs of the Company shall be submitted.
- Special meetings.** 2. Special general meetings may at any time be called by any five of the directors, and the directors, on requisition of any twenty-five shareholders, shall call a special general meeting and in either case the object of such meeting shall be specified 20 in the notice calling the meeting.
- Notice of meeting.** 3. Notice of each such meeting shall be sufficiently given by a printed or written notice to each of the shareholders mailed at least ten days before the day for which the meeting has been called, and addressed to the addresses of the shareholders 25 respectively given in the books of the Company.
- Business which may be carried on.** 7. The Company may carry on, in addition to ocean marine insurance, such and so many of the classes, branches or kinds of insurance mentioned in section 8 of this Act as are from time to time covered by the license issued to the Company pursuant 30 to the statutes respecting insurance.
- Kinds of insurance.** 8. The classes, branches or kinds of insurance referred to in section 7 of this Act are the following, namely:—
- Authorized business.** (a) insurance, throughout Canada and elsewhere, with any person against loss or damage by fire, or lightning, in or to any 35 house, dwelling, store, factory, mill or other building whatsoever, or to any goods, chattels, bridges, railway plants or personal estate whatsoever, for such time, for such premiums or considerations and with such modifications, restrictions and conditions not contrary to law as are agreed upon between the Company 40 and the insured; and, generally, the business of fire insurance in all its branches and forms;
- Fire insurance.** (b) ocean marine insurance;
- Ocean marine.** (c) inland marine insurance;
- Inland marine.** (d) insurance against loss or damage to goods, wares, mer- 45 chandise or property of any kind including matter transmitted by mail, in transit otherwise than by water;
- Property in transit, otherwise than by water.** (e) insurance against any accident or casualty of whatever nature or from whatever cause arising to individuals, whereby the insured suffers loss or injury or is disabled, including sickness 50 not ending in death, or in case of death from any accident or
- Accident including sickness.**

casualty, not including sickness, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon;

- (f) the making of contracts of indemnity with any person  
 5 against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to accidents or casualties of whatever nature or from whatever cause arising whereby the insured suffers pecuniary loss or damage or incurs costs and expenses;
- (g) the making of contracts,—  
 10 (i) guaranteeing the fidelity of persons filling or about to fill situations of trust or confidence and the due performance and discharge by such persons of all or any or the duties and obligations imposed upon them by contract or  
 15 otherwise;  
 (ii) guaranteeing the due performance and discharge by receivers, official and other liquidators, committees, guardians, executors, administrators, trustees, attorneys, brokers and agents, of their respective duties and obligations;  
 20 (iii) guaranteeing persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person;—  
 25 (h) insurance against loss or damage to plate or other glass;  
 (i) insurance against loss or damage to property or persons from explosion, collapse, rupture and other accidents to stationary, marine and locomotive boilers, gas or gasoline plants or  
 30 boilers, and to any boilers, engines or plants including sprinkler systems and the pipes, engines, motors and machinery, gas, gasoline or oil engines or machinery connected therewith and operated thereby, or to the house, store or other building, or vessel, steamer, boat or other craft in which the same are placed  
 35 or to which they are attached, or to any goods, wares, merchandise, cargo or other property of any description stored or conveyed therein; and the Company, as regards such steam boiler insurance, may inspect and make certificates of inspection of boilers, pipes, engines, motors and machinery; such certificates  
 40 shall bind only the parties to the contract, and shall not be used as a public notification of inspection, nor shall any such certificate relieve the owner from any obligation imposed by any inspection Act, whether of Canada or any province of Canada.  
 (j) insurance against loss or damage by burglary, theft, or  
 45 house-breaking;  
 (k) insurance against loss or damage by water caused by the breakage or leakage of sprinklers, pumps, water-pipes, or plumbing and its fixtures;  
 (l) insurance against accidental bodily injury or death to its  
 50 driver, including insurance against loss or damage from accident to or injury suffered by an employee or other person caused by an automobile for which the owner is liable; and insurance against loss or damage to property from an accident caused by an automobile, except by fire; and insurance against loss or  
 55 damage to an automobile by accident, burglary or theft.

Employers liability.

Guarantee.

Persons filling situations of trust.

Receivers, liquidators, executors, agents, etc.

Default of co-trustees, co-agents, etc.

Glass.

Damage or loss to persons or property from explosions or accidents by boilers, pipes or machinery.

Inspection and certificates.

Burglary insurance.

Sprinkler leakage insurance.

Automobile insurance.

- Re-insurance. **9.** The Company may cause itself to be re-insured against any risk it may have undertaken, and may re-insure any other person or company against any risk which such person or company may have undertaken.
- When fire insurance business may commence. **10.** The Company shall not commence the business of fire insurance until two hundred and fifty thousand dollars of the capital stock have been subscribed and at least one hundred thousand dollars have been paid thereon in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act. 5 10
- Other classes of insurance. **2.** The Company shall not commence the business of the other classes of insurance mentioned, except that of ocean marine insurance, until its subscribed and paid up capital have been respectively increased to such sums as may be fixed by the Treasury Board upon the report of the Superintendent of Insurance. 15
- No payment or subscription reckoned if less than ten per cent paid or subscribed in cash. **3.** The amount paid in cash by any shareholder which is less than ten per cent of the amount subscribed for by him shall not be reckoned as part of the several sums required to be paid into the funds of the Company under the provisions of subsections 1 and 2 of this section, nor shall stock upon which less than ten per cent in cash has been paid by the subscriber be reckoned as part of the stock necessary to be subscribed as provided by this Act. 20
- Additional payment on capital after issue of license. **11.** Within five years after the issue of a license to the Company under *The Insurance Act* a further sum of seventy-five thousand dollars shall be paid in cash upon the capital stock of the Company, in addition to the sums required to be paid under section 10 of this Act, and not less than fifteen thousand dollars of such sum shall be paid annually until the whole sum is paid. 25 30
- Real property which may be held. **12.** The Company may acquire, hold and dispose of any real property, in Canada or elsewhere, required wholly or in part for the use or benefit of the Company; but the annual value of such property held in any province in Canada shall not exceed five thousand dollars, except in the province of Quebec where it shall not exceed ten thousand dollars. 35
- Annual value. **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.
- Investment in foreign securities. **14.** The Company may purchase and take over or otherwise acquire the whole or any part of the business, property and liabilities of any company or individual carrying on any business which the Company is authorized to carry on, 40
- Acquisition of business of others. **15.** Notwithstanding anything in *The Companies Act*, Part II thereof, except sections 125, 134, 135, 141, 157, 159, 165 and 168 thereof, shall apply to the Company, in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* or of any general Act relating to insurance passed during the present session of Parliament, or of this Act. 45
- Application of R.S., c. 79. R.S., c. 34.

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

Application  
of Insurance  
Act.

R.S. c. 34.

Conflicting  
provisions.

QQ—2

THE SENATE OF CANADA.

BILL

QQ

An Act to incorporate Insurance Company  
of Canada.

Received and read a first time,

Wednesday, 2nd March, 1910.

Second reading,

Friday, 4th March, 1910.

Honourable Mr. CASGRAIN.

OTTAWA

Printed by C. H. PARRELL

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED MARCH 11, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL QQ.

An Act to incorporate Laurentian Insurance Company of Canada.

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

**1.** John Boyd, manager, James O'Connor, accountant, George Henry Hanna, jr., manager, John King, manager, and Edwin George Belfield, gentleman, all of the city of Montreal, together with such other persons as become shareholders in the company, are hereby incorporated under the name of "Laurentian Insurance Company of Canada," hereinafter called "the Company."

**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 for the transaction of business. They shall remain in office until replaced by directors duly elected in their stead; 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 they may do generally what is necessary to organize the Company.

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

**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 any call shall be given.

- Head office. **4.** The head office of the Company shall be in the city of Montreal in the province of Quebec. 5
- Agencies. **2.** The directors may establish local advisory boards or agencies either in Canada or elsewhere in such manner as they deem expedient.
- First meeting of shareholders. **5.** As soon as two hundred and fifty thousand dollars of the capital stock have been subscribed and ten per cent of that amount has been paid into some chartered bank in Canada, the 10
- Election of directors. provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Montreal, 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 15
- Qualification. **2.** No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock and has paid all calls due thereon and all liabilities incurred 20
- Annual meeting. **6.** A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and the commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted. 25
- Special meetings. **2.** Special general meetings may at any time be called by any five of the directors, and the directors, on requisition of any twenty-five shareholders, shall call a special general meeting and in either case the object of such meeting shall be specified in the notice calling the meeting. 30
- Notice of meetings. **3.** Notice of general meetings shall be sufficiently given by a printed or written notice to each of the shareholders mailed at least ten days before the day for which the meeting has been called, and addressed to the addresses of the shareholders respectively given in the books of the Company. 35
- Business which may be carried on. **7.** The Company may make and effect contracts of marine insurance, and may also carry on such and so many of the classes, branches or kinds of insurance mentioned in section 8 of this Act as are from time to time covered by the license issued to the Company pursuant to the statutes respecting insurance. 40
- Kinds of insurance. **8.** The classes, branches or kinds of insurance referred to in section 7 of this Act are the making and effecting contracts of insurance, throughout Canada and elsewhere, for the following purposes, namely:—
- Authorized business. (a) insurance against loss or damage by fire, or lightning, in or 45 to any house, dwelling, store, factory, mill or other building

- whatsoever, or to any goods, chattels, bridges, railway plants or personal estate whatsoever, for such time, for such premiums or considerations and with such modifications, restrictions and conditions not contrary to law as are agreed upon between the
- 5 Company and the insured; and, generally, the business of fire insurance in all its branches and forms;
- (b) insurance against loss or damage to goods, wares, merchandise or property of any kind including matter transmitted by mail, in transit otherwise than by water;
- 10 (c) insurance against any accident or casualty of whatever nature or from whatever cause arising to individuals, whereby the insured suffers loss or injury or is disabled, including sickness not ending in death, or in case of death from any accident or casualty, not including sickness, securing to the representative
- 15 of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon;
- (d) the indemnifying of any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to
- 20 accidents or casualties of whatever nature or from whatever cause arising whereby the insured suffers pecuniary loss or damage or incurs costs and expenses;
- (e) for guaranteeing the fidelity of persons filling or about to fill situations of trust or confidence and the due performance and
- 25 discharge by such persons of all or any of the duties and obligations imposed upon them by contract or otherwise;
- (f) for guaranteeing the due performance and discharge by receivers, official and other liquidators, committees, guardians, executors, administrators, trustees, attorneys, brokers and agents
- 30 of their respective duties and obligations;
- (g) for guaranteeing persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, subagent or other person;
- 35 (h) insurance against loss or damage to plate or other glass;
- (i) insurance against loss or damage to property or persons from explosion, collapse, rupture and other accidents to stationary, marine and locomotive boilers, gas or gasoline plants or boilers, and to any boilers, engines or plants including sprinkler
- 40 systems and the pipes, engines, motors and machinery, gas, gasoline or oil engines or machinery connected therewith and operated thereby, or to the house, store or other building, or vessel, steamer, boat or other craft in which the same are placed or to which they are attached, or to any goods, wares, merchandise, cargo or other property of any description stored or conveyed therein; and the Company, as regards such steam boiler
- 45 insurance, may inspect and make certificates of inspection of boilers, pipes, engines, motors and machinery; such certificates shall bind only the parties to the contract, and shall not be used
- 50 as a public notification of inspection, nor shall any such certi-

Fire insurance.

Property in transit, otherwise than by water.

Accident including sickness.

Employers liability.

Guarantee. Persons filling situations of trust.

Receivers, liquidators, executors, agents, etc.

Default of co-trustees, co-agents, etc.

Glass.

Damage or loss to persons or property from explosions or accidents by boilers, pipes or machinery.

Inspection and certificates

ificate relieve the owner from any obligation imposed by any inspection Act, whether of Canada or any province of Canada;

Burglary insurance.

(j) insurance against loss or damage by burglary, theft, or house-breaking;

Sprinkler leakage insurance.

(k) insurance against loss or damage by water caused by the breakage or leakage of sprinklers, pumps, water-pipes, or plumbing and its fixtures;

Automobile insurance.

(l) insurance against accidental bodily injury or death to its driver, including insurance against loss or damage from accident to or injury suffered by an employee or other person caused by an automobile for which the owner is liable; and insurance against loss or damage to property from an accident caused by an automobile, except by fire; and insurance against loss or damage to an automobile by accident, burglary or theft.

Re-insurance.

9. The Company may cause itself to be re-insured against any risk it may have undertaken, and may re-insure any other person or company against any risk which such person or company may have undertaken.

When fire insurance business may commence.

10. The Company shall not commence the business of fire insurance until two hundred and fifty thousand dollars of the capital stock have been subscribed and at least one hundred thousand dollars have been paid thereon in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act.

Other classes of insurance.

2. The Company shall not commence the business of the other classes of insurance mentioned, except that of marine insurance, until its subscribed and paid up capital have been respectively increased to such sums as may be fixed by the Treasury Board upon the report of the Superintendent of Insurance.

No payment or subscription reckoned if less than ten per cent paid or subscribed in cash.

3. The amount paid in cash by any shareholder which is less than ten per cent of the amount subscribed for by him shall not be reckoned as part of the several sums required to be paid into the funds of the Company under the provisions of subsections 1 and 2 of this section, nor shall stock upon which less than ten per cent in cash has been paid by the subscriber be reckoned as part of the stock necessary to be subscribed as provided by this Act.

Additional payment on capital after issue of license

11. Within five years after the issue of a license to the Company under *The Insurance Act* a further sum of seventy-five thousand dollars shall be paid in cash upon the capital stock of the Company, in addition to the sums required to be paid under section 10 of this Act, and not less than fifteen thousand dollars of such sum shall be paid annually until the whole sum is paid.

Real property which may be held.

12. The Company may acquire, hold and dispose of any real property, in Canada or elsewhere, required wholly or in part for the use or benefit of the Company; but the annual

value of such property held in any province in Canada shall not exceed five thousand dollars, except in the province of Quebec where it shall not exceed ten thousand dollars. Annual value.

**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. Investment in foreign securities.

**14.** Notwithstanding anything in *The Companies Act*, Part II thereof, except sections 125, 134, 135, 141, 157, 159, 165 and 168 thereof, shall apply to the Company, in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* or of any general Act relating to insurance passed during the present session of Parliament, or of this Act. Application of R.S., c. 79. R.S., c. 34.

**15.** This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts the latter shall prevail. Application of Insurance Act. R.S. c. 34. Conflicting provisions.



# THE SENATE OF CANADA.

## BILL RR.

### An Act respecting the Dominion Bank.

**W**HEREAS The Dominion Bank has by its petition prayed Preamble.  
that it be enacted as hereinafter set forth, and it is ex-  
pedient to grant the prayer of the said petition: Therefore 1869, c. 60.  
His Majesty, by and with the advice and consent of the Senate  
5 and House of Commons of Canada, enacts as follows:—

- 10 **1.** The capital stock of The Dominion Bank, which is now Capital  
divided into shares of fifty dollars each, shall be re-divided stock  
into shares of one hundred dollars each; and each present re-divided  
shareholder shall be entitled to have allotted to him one share into \$100  
of one hundred dollars for every two shares of fifty dollars shares.  
each which he now holds, or to which he is entitled, in the 1869, c. 60,  
capital stock of the said bank; but in the case of any person s. 2  
holding only one share of fifty dollars, or an odd number of amended.  
shares of fifty dollars each, the said Bank shall pay to every Treatment of  
15 such holder the full market value in cash of such single share odd number  
or of the odd share, as the case may be, and this payment shall of shares.  
operate as an extinguishment of the right of such holder to  
such single or odd share.
- 20 **2.** The shares of one hundred dollars each which thus remain Sale of  
after allotting to each shareholder one share of one hundred surplus  
dollars for every two shares of fifty dollars each held by him, shares.  
may be offered by the said Bank to the public for subscription.
- 25 **3.** In order to carry into effect the provisions of this Act, Issue of new  
the directors may call in the present certificates of stock and certificates.  
issue new certificates to the shareholders in the place thereof.

THE SENATE OF CANADA

BILL

RR

An Act respecting The Dominion Bank.

Received and read a first time,

Wednesday, 2nd March, 1910.

Second reading,

Friday, 4th March, 1910.

Honourable Mr. Scott.

BILL AS PASSED MARCH 11, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL RR.

An Act respecting the Dominion Bank.

**W**HEREAS The Dominion 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:—

Preamble.

1869, c. 60

**1.** The capital stock of The Dominion Bank, which is now divided into shares of fifty dollars each, shall be re-divided into shares of one hundred dollars each; and each present shareholder shall be entitled to have allotted to him one share of one hundred dollars for every two shares of fifty dollars each which he now holds, or to which he is entitled, in the capital stock of the said bank; but in the case of any person holding only one share of fifty dollars, or an odd number of shares of fifty dollars each, the said Bank shall pay to every such holder the full market value in cash of such single share or of the odd share, as the case may be, and this payment shall operate as an extinguishment of the right of such holder to such single or odd share.

Capital stock re-divided into \$100 shares.

1869, c. 60, s. 2 amended.

Treatment of odd number of shares.

**2.** The shares of one hundred dollars each which thus remain after allotting to each shareholder one share of one hundred dollars for every two shares of fifty dollars each held by him, may be offered by the said Bank to the public for subscription.

Sale of surplus shares.

**3.** In order to carry into effect the provisions of this Act, the directors may call in the present certificates of stock and issue new certificates to the shareholders in the place thereof.

Issue of new certificates.



## THE SENATE OF CANADA.

### BILL SS.

An Act to incorporate The Federation of Chambers of Commerce of the Province of Quebec.

WHEREAS an association consisting of delegates representing certain commercial organizations in the province of Quebec, comprising La Chambre de Commerce du District de Montréal, The Quebec Board of Trade, The Board of Trade of Three Rivers, and others, met on the fourteenth and fifteenth days of April, 1909, in the city of Montreal, for the purpose of constituting a federation of Chambers of Commerce of the province of Quebec, and there and then adopted a constitution to the end of increasing the efficiency and utility of the different Chambers of Commerce and other incorporated associations established in the province of Quebec for commercial purposes of general interest, and to insure unity of action as regards trade usages, customs-duties and laws, and for other purposes relating to these objects; and whereas the said federation has elected as its officers for the current year the following persons, to wit: Messieurs Isaie Préfontaine, delegate from La Chambre de Commerce du District de Montréal, president; Phillipe Paradis, delegate from The Quebec Board of Trade, first vice-president; Ph. Lassonde, delegate from The Board of Trade of Three Rivers, second vice-president; Joseph Huette, delegate from The St. Hyacinthe Board of Trade, J. E. A. Dubuc, delegate from The Saguenay Board of Trade, Nap. Garceau, delegate from The Board of Trade of the county of Drummond, Dr. C. A. Dubé, delegate from The Ville-Marie Board of Trade, directors, and F. Bourbonnière, secretary-treasurer; and whereas the said persons have by their petition prayed that it may be enacted as hereinafter set forth: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The delegates to the existing Federation of Chambers of Commerce of the province of Quebec, according to the constitution of the said Federation as set forth in the schedule to this Act, together with all persons who hereafter become such delegates, according to the said constitution, as from time to time amended in accordance with this Act, are hereby constituted a corporation under the name of "The Federation of Chambers of Commerce of the Province of Quebec", hereinafter called "the Federation", for the purposes and objects set forth in the said constitution.

Preamble.

Incorporation.

Corporate name.

Objects.

- Constitution and government.      **2.** The Federation shall be governed as provided by the said constitution, but the said constitution may, from time to time, be amended by the Federation in any manner not inconsistent with the provisions of this Act or otherwise contrary to law.
- By-laws.      **3.** The Federation may from time to time make by-laws for— **5**  
     (a) the administration, management and control of the property, affairs and business of the Federation;  
     (b) the appointment, functions, duties and election of all officers, agents and servants of the Federation;  
     (c) the appointment of committees and their duties.      **10**  
     (d) the calling of meetings, regular and special, of the Federation or committees;  
     (e) the fixing of the necessary quorum and procedure in all things at such meetings;  
     (f) generally for the carrying out of the objects and purposes **15** of the Federation.
- Head office.      **4.** The head office of the Federation shall be in the city of Montreal.
- Holding of property.      **5.** Subject to provincial laws, the Federation may acquire and hold by gift, purchase or lease, such real and personal property, **20** not exceeding in the aggregate of both the value of one hundred thousand dollars, as is required for its actual use and occupation, or to carry out its objects, and may sell, lease or otherwise dispose thereof for such objects.
- Evidence of constitution and changes therein.      **6.** Within six months from the passing of this Act the Sec- **25** retary of the Federation shall enter and shall certify under his signature, in a register to be kept for that purpose, the constitution and existing regulations of the Federation, and thereafter shall enter and shall certify therein all regulations, or changes in the constitution which may take place; and a **30** certified copy thereof, or of any amendment, change, revocation, or addition, so entered in the said register under the signature of the Secretary and the seal of the Corporation, shall in all matters within the legislative authority of the Parliament of Canada, be *prima facie* evidence of the tenour thereof in all courts of law **35** and equity in Canada.

## SCHEDULE.

### CONSTITUTION OF THE FEDERATION OF CHAMBERS OF COMMERCE OF THE PROVINCE OF QUEBEC.

#### PREAMBLE.

In order to promote the efficiency of the various Chambers of Commerce and other public bodies organized in this province for commercial purposes, and in order to insure unity and harmony of action upon measures of common interest, the present association is, this fifteenth day of April, one thousand nine hundred and nine, formed by the delegates to those chambers united in

assembly upon the invitation of the Chamber of Commerce of the district of Montreal, dated 14th March last.

1. This association shall bear the name of The Federation of Chambers of Commerce of the province of Quebec.

2. (a) Each local Chamber of Commerce of the province of Quebec, or other public body duly incorporated for commercial purposes of general interest, may form part of this association upon the vote of two-thirds of the delegates present at any meeting of the Federation, and it shall receive the following representation: Each participating association shall have the right to two delegates, whatever may be the number of its members, up to three hundred members, and, in addition, to one delegate for each three hundred or part of three hundred additional members.

(b) The delegates shall be chosen by the local organization for the term of one year at least. At each meeting of the Federation they shall present their letters of appointment as delegates under the seal and signature of the secretary of their respective body; these orders shall certify the number of members of the body which they are charged to represent.

#### VOTING.

3. Each delegate shall have the right to one vote, but shall not be able to exercise it by attorney. Upon demand of two delegates any vote may be demanded under secret ballot.

#### ADMINISTRATION.

4. (a) The administration of the affairs of the Federation shall be entrusted to an Executive, composed of a President, two Vice-Presidents, a Secretary-Treasurer (or a Secretary and a Treasurer), and, in addition, of four Directors, who shall fulfil that duty until they are replaced. Their election shall be the last item on the order of the day at each yearly meeting.

(b) The principal office of the Federation shall be fixed at Montreal.

(c) The special meetings of the Executive shall be held, either on demand of the President, or on requisition by two members of the Executive, at the place to be fixed by the President, upon eight days notice to be given by the Secretary, and the quorum of these meetings shall be three members.

(d) In case of dismissal, resignation, or decease of any member of the Executive he shall be replaced for the balance of the term, as soon as possible, by the other members of the Executive.

#### FUNCTIONS OF THE EXECUTIVE.

5. It shall be the duty of the Executive Council:—

(1.) To provide for the keeping of a record of the deliberations of the Federation and its sittings.

(2.) To submit at each annual meeting a report of the work of the Federation, and of its resolutions and official transactions, as well as a statement of unfinished matters, and a programme of new matters which may require attention.

(3.) To submit a statement of the finances of the Federation at the annual meetings and, upon demand, at other meetings.

(4.) To assess upon each affiliated body its share of contribution for the expenses of the Federation, in proportion to the number of its members officially declared to the Federation.

5. (a) To make such recommendations and suggestions as it shall deem opportune and necessary in the interests of the Federation.

(b) The Treasurer, or the Secretary-Treasurer, shall have the care of the accounts and the funds of the Federation; he shall deposit moneys received in a bank to be chosen by the Executive, and cheques drawn upon these deposits shall be signed by the President and countersigned by the Treasurer or Secretary-Treasurer.

(c) The Secretary shall have the care of all the documents, registers, books and correspondence of the Federation.

#### MEETINGS.

6. (a) The annual general meeting of the Federation of Chambers of Commerce of the province of Quebec shall take place on the third Wednesday in May in each year or on such other day as the President or the Executive Council may determine, and at such place as has been chosen at the previous annual meeting by a vote of the majority of the delegates present.

(b) Special meetings of the Federation shall be convoked upon the decision of the Executive Council, or upon demand in writing by five delegates, at such place as the Executive Council may designate.

(c) The presence of one third of the delegates from the affiliated bodies shall constitute a quorum.

(d) Summons of the annual meeting or of a special meeting shall be made by the Secretary on each of the affiliated bodies by a notice of at least fifteen days before the date of the meeting, and such notice must, for the annual meeting in so far as is possible, indicate the object of the meeting and the questions to be submitted.

7. Without the consent of the majority of the delegates present at a meeting, a question, other than those of order or of privilege, may be submitted by the affiliated bodies only on condition that it has previously been put in writing in the hands of the Secretary at least twenty-four hours before the annual or special meeting at which it is to be taken into consideration.

#### WITHDRAWAL.

8. Every affiliated body may withdraw from the Federation by making a special demand therefor to that effect at an annual meeting and upon full payment of all that it may owe the Federation.

9. The present constitution may be amended at an annual meeting upon a vote of two-thirds of the delegates present, upon condition that notice of the proposed amendment has been

transmitted to the Secretary by one of the affiliated bodies at least fifteen days before it is to be taken into consideration and has been brought to the notice of the various affiliated bodies at least ten days before that meeting.

10. The meeting of delegates convoked by the circular of the Chamber of Commerce of the District of Montreal, dated 14th March last, shall be considered as the first meeting of the Federation of Chambers of Commerce of the Province of Quebec, and is by these presents recognized as having been authorized to choose officers, who shall continue their functions until the election of their successors, and who may adopt all measures ordered by that meeting in the same manner as if the convocation thereof and all the other proceedings then adopted had been made in the manner decreed by the present constitution.

THE SENATE OF CANADA.

BILL

SS

An Act to incorporate The Federation of  
Chambers of Commerce of the Province  
of Quebec.

Received and read a first time,

Thursday, 3rd March, 1910.

Honourable Mr. CLORAN.

OTTAWA

Printed by C. H. PARMEER

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED APRIL 26, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL SS.

An Act to incorporate The Federation of Chambers of Commerce of the Province of Quebec.

WHEREAS an association consisting of delegates representing Preamble.  
 certain commercial organizations in the province of Quebec, comprising La Chambre de Commerce du District de Montréal, The Quebec Board of Trade, The Board of Trade of  
 5 Three Rivers, and others, met on the fourteenth and fifteenth days of April, 1909, in the city of Montreal, for the purpose of constituting a federation of Chambers of Commerce of the province of Quebec, and there and then adopted a constitution to the end of increasing the efficiency and utility of the different  
 10 Chambers of Commerce and other incorporated associations established in the province of Quebec for commercial purposes of general interest, and to insure unity of action as regards trade usages, customs-duties and laws, and for other purposes relating to these objects; and whereas the said federation has elected as  
 15 its officers for the current year the following persons, to wit: Messieurs Isaie Préfontaine, delegate from La Chambre de Commerce du District de Montréal, president; Phillipe Paradis, delegate from The Quebec Board of Trade, first vice-president; Ph. Lasseonde, delegate from The Board of Trade of Three Rivers,  
 20 second vice-president; Joseph Huette, delegate from The St. Hyacinthe Board of Trade, J. E. A. Dubuc, delegate from The Saguenay Board of Trade, Nap. Garceau, delegate from The Board of Trade of the county of Drummond, Dr. C. A. Dubé, delegate from The Ville-Marie Board of Trade, directors, and  
 25 F. Bourbonnière, secretary-treasurer; and whereas the said persons have by their petition prayed that it may be enacted as hereinafter set forth: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

30 1. The delegates to the existing Federation of Chambers of Commerce of the province of Quebec, according to the con- Incorporation.

Corporate name.	stitution of the said Federation as set forth in the schedule to this Act, together with all persons who hereafter become such delegates, according to the said constitution, as from time to time amended in accordance with this Act, are hereby constituted a corporation under the name of "The Federation of Chambers of Commerce of the Province of Quebec", hereinafter called "the Federation", for the purposes and objects set forth in the said constitution.	5
Objects.		
Constitution and government.	<b>2.</b> The Federation shall be governed as provided by the said constitution, but the said constitution may, from time to time, be amended by the Federation in any manner not inconsistent with the provisions of this Act or otherwise contrary to law.	10
By-laws.	<b>3.</b> The Federation may from time to time make by-laws for— (a) the administration, management and control of the property, affairs and business of the Federation; (b) the appointment, functions, duties and election of all officers, agents and servants of the Federation; (c) the appointment of committees and their duties. (d) the calling of meetings, regular and special, of the Federation or committees; (e) the fixing of the necessary quorum and procedure in all things at such meetings; (f) generally for the carrying out of the objects and purposes of the Federation.	15      20
Head office.	<b>4.</b> The head office of the Federation shall be in the city of Montreal.	25
Holding of property.	<b>5.</b> Subject to provincial laws, the Federation may acquire and hold by gift, purchase or lease, such real and personal property, not exceeding in the aggregate of both the value of one hundred thousand dollars, as is required for its actual use and occupation, or to carry out its objects, and may sell, lease or otherwise dispose thereof for such objects.	30
Evidence of constitution and changes therein.	<b>6.</b> Within six months from the passing of this Act the Secretary of the Federation shall enter and shall certify under his signature, in a register to be kept for that purpose, the constitution and existing regulations of the Federation, and thereafter shall enter and shall certify therein all regulations, or changes in the constitution, which may take place; and a certified copy thereof, or of any amendment, change, revocation, or addition, so entered in the said register under the signature of the Secretary and the seal of the Corporation, shall in all matters within the legislative authority of the Parliament of Canada, be <i>prima facie</i> evidence of the tenour thereof in all courts of law and equity in Canada.	35     40

7. The provisions of sections 30 to 36, both inclusive, of *The Boards of Trade Act*, chapter 124 of *The Revised Statutes*, shall apply to the Federation.

Application  
of R.S.,  
c. 124,  
ss. 30-36.

## SCHEDULE.

### CONSTITUTION OF THE FEDERATION OF CHAMBERS OF COMMERCE OF THE PROVINCE OF QUEBEC.

#### PREAMBLE.

In order to promote the efficiency of the various Chambers of Commerce and other public bodies organized in this province for commercial purposes, and in order to insure unity and harmony of action upon measures of common interest, the present association is, this fifteenth day of April, one thousand nine hundred and nine, formed by the delegates to those chambers united in assembly upon the invitation of the Chamber of Commerce of the district of Montreal, dated 14th March last.

1. This association shall bear the name of The Federation of Chambers of Commerce of the province of Quebec.

2. (a) Each local Chamber of Commerce of the province of Quebec, or other public body duly incorporated for commercial purposes of general interest, may form part of this association upon the vote of two-thirds of the delegates present at any meeting of the Federation, and it shall receive the following representation: Each participating association shall have the right to two delegates, whatever may be the number of its members, up to three hundred members, and, in addition, to one delegate for each three hundred or part of three hundred additional members.

(b) The delegates shall be chosen by the local organization for the term of one year at least. At each meeting of the Federation they shall present their letters of appointment as delegates under the seal and signature of the secretary of their respective body; these orders shall certify the number of members of the body which they are charged to represent.

#### VOTING.

3. Each delegate shall have the right to one vote, but shall not be able to exercise it by attorney. Upon demand of two delegates any vote may be demanded under secret ballot.

#### ADMINISTRATION.

4. (a) The administration of the affairs of the Federation shall be entrusted to an Executive, composed of a President, two

Vice-Presidents, a Secretary-Treasurer (or a Secretary and a Treasurer), and, in addition, of four Directors, who shall fulfil that duty until they are replaced. Their election shall be the last item on the order of the day at each yearly meeting.

(b) The principal office of the Federation shall be fixed at Montreal.

(c) The special meetings of the Executive shall be held, either on demand of the President, or on requisition by two members of the Executive, at the place to be fixed by the President, upon eight days notice to be given by the Secretary, and the quorum of these meetings shall be three members.

(d) In case of dismissal, resignation, or decease of any member of the Executive he shall be replaced for the balance of the term, as soon as possible, by the other members of the Executive.

#### FUNCTIONS OF THE EXECUTIVE.

5. It shall be the duty of the Executive Council:—

(1.) To provide for the keeping of a record of the deliberations of the Federation and its sittings.

(2.) To submit at each annual meeting a report of the work of the Federation, and of its resolutions and official transactions, as well as a statement of unfinished matters, and a programme of new matters which may require attention.

(3.) To submit a statement of the finances of the Federation at the annual meetings and, upon demand, at other meetings.

(4.) To assess upon each affiliated body its share of contribution for the expenses of the Federation, in proportion to the number of its members officially declared to the Federation.

5. (a) To make such recommendations and suggestions as it shall deem opportune and necessary in the interests of the Federation.

(b) The Treasurer, or the Secretary-Treasurer, shall have the care of the accounts and the funds of the Federation; he shall deposit moneys received in a bank to be chosen by the Executive, and cheques drawn upon these deposits shall be signed by the President and countersigned by the Treasurer or Secretary-Treasurer.

(c) The Secretary shall have the care of all the documents, registers, books and correspondence of the Federation.

#### MEETINGS.

6. (a) The annual general meeting of the Federation of Chambers of Commerce of the province of Quebec shall take place on the third Wednesday in May in each year or on such other day as the President or the Executive Council may determine, and at such place as has been chosen at the previous annual meeting by a vote of the majority of the delegates present.

(b) Special meetings of the Federation shall be convoked upon the decision of the Executive Council, or upon demand in writing by five delegates, at such place as the Executive Council may designate.

(c) The presence of one third of the delegates from the affiliated bodies shall constitute a quorum.

(d) Summons of the annual meeting or of a special meeting shall be made by the Secretary on each of the affiliated bodies by a notice of at least fifteen days before the date of the meeting, and such notice must, for the annual meeting in so far as is possible, indicate the object of the meeting and the questions to be submitted.

7. Without the consent of the majority of the delegates present at a meeting, a question, other than those of order or of privilege, may be submitted by the affiliated bodies only on condition that it has previously been put in writing in the hands of the Secretary at least twenty-four hours before the annual or special meeting at which it is to be taken into consideration.

#### WITHDRAWAL.

8. Every affiliated body may withdraw from the Federation by making a special demand therefor to that effect at an annual meeting and upon full payment of all that it may owe the Federation.

9. The present constitution may be amended at an annual meeting upon a vote of two-thirds of the delegates present, upon condition that notice of the proposed amendment has been transmitted to the Secretary by one of the affiliated bodies at least fifteen days before it is to be taken into consideration and has been brought to the notice of the various affiliated bodies at least ten days before that meeting.

10. The meeting of delegates convoked by the circular of the Chamber of Commerce of the District of Montreal, dated 14th March last, shall be considered as the first meeting of the Federation of Chambers of Commerce of the Province of Quebec, and is by these presents recognized as having been authorized to choose officers, who shall continue their functions until the election of their successors, and who may adopt all measures ordered by that meeting in the same manner as if the convocation thereof and all the other proceedings then adopted had been made in the manner decreed by the present constitution.



## THE SENATE OF CANADA.

### BILL TT.

An Act to incorporate The Gatineau and Ungava  
Railway Company.

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

- 1.** Arthur T. Genest, of the city of Ottawa, civil engineer; Incorpor-  
Rodrick B. Masson, of the town of Terrebonne, gentleman; ation.  
S. Tanner Green, of the city of Quebec, gentleman; Emmanuel  
B. Devlin, of the city of Ottawa, barrister, and Fred Wm. Rous,  
10 of the city of Montreal, secretary, together with such persons  
as become shareholders in the Company, are hereby incorporated  
under the name of "The Gatineau and Ungava Railway Com-  
pany," hereinafter called "the Company."
- 2.** The persons named in section 1 of this Act are hereby Provisional  
15 constituted provisional directors of the Company. directors.
- 3.** The capital stock of the Company shall be two million Capital stock,  
dollars. No one call thereon shall exceed ten per cent on the  
shares subscribed.
- 4.** The head office of the Company shall be in the city of Head office.  
20 Montreal, in the province of Quebec.
- 5.** The annual meeting of the shareholders shall be held on Annual  
the first Tuesday in November. meeting.
- 6.** The number of directors shall be not less than five nor Directors.  
more than nine, one or more of whom may be paid directors.
- 7.** The Company may lay out, construct, and operate a Line of  
25 railway of the gauge of four feet eight and one-half inches:— railway  
described.  
(a) from a point on the National Transcontinental Railway,  
at the head of the Gatineau River, north-west branch, in the  
province of Quebec, North-easterly, following, adjoining to,  
30 or in the vicinity of the "Height of Land" to Lake Chibaugamau,  
a distance of about one hundred and forty miles; thence to the  
east side of Lake Mistassini, a further distance of sixty miles;  
thence to the northern boundary of the province of Quebec or  
border of Ungava, at Homani or Summit Lake, a distance from  
35 the starting point of about four hundred and fifty miles; thence,

turning round the sources of Big River to Lake Kaniapiskau, near the intersection of the seventieth meridian and the fifty-fourth parallel of latitude; thence, north-westerly, crossing the source of Stillwater River, to a point on Lake Minto or Leaf River, or in a generally northern direction to a point on Koksoak River, and from either point, north-easterly, to Leaf Lake on Ungava Bay,—a total distance of about nine hundred miles; (b) a line from Lake Minto, for a distance, approximately, of two hundred miles, to Payne Lake.

Special powers. **8.** The Company may, for the purposes of its undertaking, 10  
 Vessels. construct and maintain canals, acquire, charter 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 structures to be used to facilitate the carrying on of business in connection 15  
 therewith.

Transmission and delivery of power and electricity. **9.** For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric and other power or energy, and transmit and deliver the same to any place in the district through which the 20  
 railway is authorized to be built, and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Com- 25  
 missioners for Canada, who may also revise such rates and charges from time to time.

R.S., c. 37.

Consent of municipality owning electric plant. **10.** The Company shall not sell, dispose of, or distribute electric power or energy within, or for use within, the limits of any municipality which owns and operates its own electric 30  
 lighting or power plant, without the consent, expressed by by-law, of the council of such municipality.

Special powers. **11.** The Company may—  
 Timber and minerals, etc. (a) acquire timber and mineral lands, lumbering and mining rights, and develop, operate and turn to account the same; 35  
 Patent rights. (b) acquire patent rights and franchises for the purposes of the new work hereby authorized and dispose of the same;  
 Branch railways. (c) build and construct branch railways and manage the same, and for that purpose exercise all the powers, privileges and authority necessary therefor in as full and ample a manner as 40  
 for the railway;  
 Traffic arrangements. (d) connect with, and make traffic or other arrangements with railway or other companies;  
 Acquisition of other companies' rights. (e) purchase, take over, lease or otherwise acquire the property, rights and franchises of any other company or companies; 45  
 Sale to other companies. (f) lease or sell to any other company or companies the property, rights and franchises of the Company.

Consent of municipalities required for telegraph and **12.** Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph 50  
 or telephone lines, or any other lines for the purpose of dis-

tributing 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, 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 on with such municipality.

telephone  
lines upon  
highways,  
etc.

R.S. c. 126.

**13.** The securities issued by the Company shall not exceed fifty 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.

**14.** In addition to the securities authorized by section 13 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, from time to time at their discretion, borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or other securities for the acquisition or construction of any of such vessels or such works, other than the railway, as the Company is authorized to acquire, construct or operate; but such bonds, debentures perpetual or terminable debenture stock or other securities shall not exceed in amount the value of the vessels or works in respect of which they are issued.

Issue of  
securities for  
other  
purposes than  
railway.

**15.** Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Commissioners of the National Transcontinental Railway, The Grand Trunk Pacific Railway Company, The Grand Trunk Railway Company of Canada, The Canadian Pacific Railway Company, and The Canadian Northern Quebec Railway Company, or with any of them.

Agreements  
with other  
companies.

R.S. c. 37.

THE SENATE OF CANADA.

BILL

III

An Act to incorporate The Gatineau and Ungava Railway Company.

Received and read a first time,

Wednesday, 3rd March, 1910.

Second reading,

Tuesday, 8th March, 1910.

Honourable Mr. CLORAN.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED MARCH 17, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL TT.

An Act to incorporate The Gatineau and Ungava  
Railway Company.

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

1. Arthur T. Genest, of the city of Ottawa, civil engineer; Rodrick B. Masson, of the town of Terrebonne, gentleman; S. Tanner Green, of the city of Quebec, gentleman; Emmanuel B. Devlin, of the city of Ottawa, barrister, and Fred Wm. Rous,  
10 of the city of Montreal, secretary, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The Gatineau and Ungava Railway Company," hereinafter called "the Company." Incorporation.
2. The persons named in section 1 of this Act are hereby  
15 constituted provisional directors of the Company. Provisional directors.
3. The capital stock of the Company shall be two 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  
20 Montreal, in the province of Quebec. Head office.
5. The annual meeting of the shareholders shall be held on  
the first Tuesday in November. Annual meeting.
6. The number of directors shall be not less than five nor  
more than nine, one or more of whom may be paid directors. Directors.
- 25 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 the National Transcontinental Railway,  
at the head of the Gatineau River, north-west branch, in the  
Line of railway described.

province of Quebec, north-easterly, following, adjoining to, or in the vicinity of the "Height of Land" to Lake Chibougamau, a distance of about one hundred and forty miles; thence to the east side of Lake Mistassini, a further distance of sixty miles; thence to the northern boundary of the province of Quebec or border of Ungava, at Homani or Summit Lake, a distance from the starting point of about four hundred and fifty miles; thence, turning round the sources of Big River to Lake Kaniapiskau, near the intersection of the seventieth meridian and the fifty-fourth parallel of latitude; thence, north-westerly, crossing the source of Stillwater River, to a point on Lake Minto or Leaf River, or in a generally northern direction to a point on Koksoak River, and from either point, north-easterly, to Leaf Lake on Ungava Bay,—a total distance of about nine hundred miles; (b) a line from Lake Minto, for a distance, approximately, of two hundred miles, to Payne Lake.

Special powers.

**8.** The Company may, for the purposes of its undertaking, acquire, charter 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 structures to be used to facilitate the carrying on of business in connection therewith.

Vessels.

Transmission and delivery of power and electricity.

**9.** For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric and other power or energy, and transmit and deliver the same to any place in the district through which the railway is authorized to be built, and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

R.S., c. 37.

Consent of municipalities required for telegraph and telephone lines upon highways, etc.

**10.** Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines, or any other lines for the purpose of distributing electricity for lighting, heating or other purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, 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 on with such municipality.

R.S. c. 126.

Issue of securities.

**11.** The securities issued by the Company shall not exceed fifty 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 for other purposes than railway.

**12.** In addition to the securities authorized by section 11 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, from time to time at their discretion, borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or other securities for the acquisition or construction of any of such vessels or such works, other than the railway, as the Company is authorized to acquire, construct or operate; but such bonds, debentures perpetual or terminable debenture stock or other securities shall not exceed in amount the value of the vessels or works in respect of which they are issued.

Agreements with other companies.

R.S. c. 37.

**13.** Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Commissioners of the National Transcontinental Railway, The Grand Trunk Pacific Railway Company, The Grand Trunk Railway Company of Canada, The Canadian Pacific Railway Company, and The Canadian Northern Quebec Railway Company, or with any of them.

The following is a list of the names of the persons who have been appointed to the various positions in the office of the Secretary of the State of New York, for the term ending on the 31st day of December, 1900.

Secretary of State: William C. Clegg.

Comptroller: William C. Clegg.

Attorney General: William C. Clegg.

Commissioner of Education: William C. Clegg.

Commissioner of Agriculture: William C. Clegg.

Commissioner of Labor: William C. Clegg.

Commissioner of Charities and Corrections: William C. Clegg.

Commissioner of the State Land Office: William C. Clegg.

Commissioner of the State Canal Office: William C. Clegg.

Commissioner of the State Marine Office: William C. Clegg.

Commissioner of the State Fish and Game Office: William C. Clegg.

Commissioner of the State Forestry Office: William C. Clegg.

Commissioner of the State Parks and Recreation Office: William C. Clegg.

Commissioner of the State Public Works Office: William C. Clegg.

Commissioner of the State Public Safety Office: William C. Clegg.

Commissioner of the State Public Health Office: William C. Clegg.

Commissioner of the State Public Welfare Office: William C. Clegg.

Commissioner of the State Public Education Office: William C. Clegg.

Commissioner of the State Public Library Office: William C. Clegg.

Commissioner of the State Public Archives Office: William C. Clegg.

Commissioner of the State Public Printing Office: William C. Clegg.

Commissioner of the State Public Buildings Office: William C. Clegg.

Commissioner of the State Public Works Office: William C. Clegg.

Commissioner of the State Public Safety Office: William C. Clegg.

Commissioner of the State Public Health Office: William C. Clegg.

Commissioner of the State Public Welfare Office: William C. Clegg.

Commissioner of the State Public Education Office: William C. Clegg.

Commissioner of the State Public Library Office: William C. Clegg.

Commissioner of the State Public Archives Office: William C. Clegg.

Commissioner of the State Public Printing Office: William C. Clegg.

Commissioner of the State Public Buildings Office: William C. Clegg.

THE HOUSE OF COMMONS OF CANADA.

BILL UU.

An Act respecting The Essex Terminal Railway Company.

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

Preamble.  
1902, c. 62.  
1904, c. 76.  
1906, c. 93.

1. Section 4 of the Act incorporating the Company, chapter 62 of the Statutes of 1902, is hereby repealed, and the following is substituted therefor:—

1902, c. 62,  
new s. 4.

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

Capital stock  
increased.

15 2. Section 6 of the said Act is hereby repealed, and the following is substituted therefor:—

1902, c. 62,  
new s. 6.

"6. The annual meeting of the shareholders shall be held on the third Tuesday in January, in each year".

Annual  
meeting.

3. Section 9 of the said Act is hereby repealed, and the following is substituted therefor:—

1902, c. 62,  
new s. 9.

20 "9. The Company may issue bonds, debentures or other securities to the extent of forty thousand dollars per mile of single track of the railway and branches, with an additional amount of ten thousand dollars per mile of double track, 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".

Issue of  
securities.

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

Special  
powers.

30 (a) construct, acquire, charter, operate and dispose of steam and other vessels, and may enter into agreements with owners of vessels, boats and ferries for any such purpose, and may, subject to *The Railway Act*, levy and collect tolls and charges for any services connected therewith;

Vessels.

35 (b) carry on the business of forwarding agents, wharfingers and warehousemen.

Warehousing.

Extension of  
time for  
completion of  
railway.

5. The Company may complete its railway and put it in operation within five years after the passing of this Act, and if the said railway is not completed and put in operation within the said period, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted. 5

Repeal of  
former time  
limit.

6. Section 2 of chapter 93 of the Statutes of 1906 is hereby repealed.

THE SENATE OF CANADA.

BILL

UU

An Act respecting The Essex Terminal  
Railway Company.

Received and read a first time,

Thursday, 3rd March, 1910.

Second reading,

Tuesday, 8th March, 1910.

Honourable Mr. Ross,  
(Middlesex.)

OTTAWA

Printed by C. H. FARRER

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED APRIL 8, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL UU.

An Act respecting The Essex Terminal Railway Company.

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

Preamble  
1902, c. 62  
1904, c. 76.  
1906, c. 93.

- 1.** Section 4 of the Act incorporating the Company, chapter 62 of the Statutes of 1902, is hereby repealed, and the following is substituted therefor:—
- 10** "4. The capital stock of the Company shall be four hundred thousand dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed".
- 2.** Section 6 of the said Act is hereby repealed, and the following is substituted therefor:—
- 15** "6. The annual meeting of the shareholders shall be held on the third Tuesday in January, in each year".
- 3.** Section 9 of the said Act is hereby repealed, and the following is substituted therefor:—
- 20** "9. The Company may issue bonds, debentures or other securities to the extent of forty thousand dollars per mile of single track of the railway and branches, with an additional amount of ten thousand dollars per mile of double track, and such bonds, debentures or other securities may be issued only
- 25** in proportion to the length of railway constructed or under contract to be constructed".

1902, c. 62,  
new s. 4.

Capital stock  
increased.

1902, c. 62,  
new s. 6.

Annual  
meeting.

1902, c. 62,  
new s. 9.

Issue of  
securities.

Special  
powers.

**4.** The Company may, for the purpose of its undertaking and in connection with its railway,—

Vessels. (a) construct, acquire, charter, operate and dispose of steam and other vessels, and may enter into agreements with owners of vessels, boats and ferries for any such purpose, and may, subject to *The Railway Act*, levy and collect tolls and charges for any services connected therewith; 5

Warehousing. (b) carry on the business of forwarding agents, wharfingers and warehousemen.

Extension of time for completion of railway. 5. The Company may complete its railway and put it in operation within five years after the passing of this Act, and if the said railway is not completed and put in operation within the said period, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted. 10

Repeal of former time limit. 6. Section 2 of chapter 93 of the Statutes of 1906 is hereby repealed. 15

UU—2

UU—1

# THE SENATE OF CANADA.

## BILL VV.

### An Act respecting The Dominion Atlantic Railway Company.

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

**1.** The Dominion Atlantic Railway Company may commence the construction of the line of railway authorized by section 1 of chapter 101 of the statutes of 1908, within two years after the passing of this Act, and may complete the said line of railway and put the same in operation, within five years after the passing of this Act; and if, within the said periods respectively, the said line of railway is not so commenced or is not so completed and put in operation, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Preamble.  
1895, c. 47.  
1895, c. 69.  
1898, c. 8.  
1900, c. 59.  
1905, c. 85.  
1908, c. 101.

Extension of  
time for  
construction  
of North  
Mountain  
Division.  
1908, c. 101,  
s. 1.

**2.** Section 2 of chapter 101 of the statutes of 1908 is hereby repealed.

Former time  
limit  
repealed.

THE SENATE OF CANADA.

BILL

VV

An Act respecting The Dominion Atlantic  
Railway Company.

Received and read a first time,

Thursday, 3rd March, 1910.

Second reading,

Tuesday, 8th March, 1910.

Honourable Mr. POWER.

BILL AS PASSED MARCH 11, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL VV.

An Act respecting The Dominion Atlantic Railway Company.

WHEREAS, the Dominion Atlantic Railway Company has, Preamble.  
 by its petition, prayed that it be enacted as hereinafter 1895, c. 47.  
 set forth, and it is expedient to grant the prayer of the said 1895, c. 69.  
 petition: Therefore, His Majesty, by and with the advice and 1898, c. 8.  
 5 consent of the Senate and House of Commons of Canada, enacts 1900, c. 59.  
 as follows:— 1905, c. 85.  
 1908, c. 101.

1. The Dominion Atlantic Railway Company may commence Extension of  
 the construction of the line of railway authorized by section 1 of time for  
 chapter 101 of the statutes of 1908, within two years after the construction  
 10 passing of this Act, and may complete the said line of railway of North  
 and put the same in operation, within five years after the Mountain  
 passing of this Act; and if, within the said periods respectively, Division.  
 the said line of railway is not so commenced or is not so 1908, c. 101,  
 completed and put in operation, the powers of construction con- s. 1.  
 15 ferred upon the said company by Parliament shall cease and be  
 null and void as respects so much of the said railway as then  
 remains uncompleted.

2. Section 2 of chapter 101 of the statutes of 1908 is hereby Former time  
 repealed. limit  
 repealed.



## THE SENATE OF CANADA.

### BILL WW.

An Act for the relief of Helena Mellor Fleming.

**W**HEREAS Helena Mellor Fleming, presently residing at Preamble.  
the city of Moosejaw, in the province of Saskatchewan,  
wife of Herbert Victor Fleming, formerly of the city of Winnipeg,  
in the province of Manitoba, has by her petition alleged, in  
5 effect, that they were lawfully married on the 27th day of  
November, A.D., 1897, at the city of Winnipeg, she then being  
Helena Mellor Webb, spinster; that in A.D. 1899 he deserted  
her and their infant child born to them; that at Lake Forest,  
in the state of Illinois, one of the United States of America,  
10 on or about the eighteenth day of September, A.D. 1902, he  
went through the form of marriage with Mary Louisa Regan,  
with whom he has since then lived as man with wife, and with  
whom he was so living at the city of Chicago, in the said state  
of Illinois, on the thirteenth day of October, A.D. 1909; that  
15 he has thereby committed adultery; that she has not connived  
at nor condoned the said adultery; that there has been no col-  
lusion directly or indirectly, between him and her in the pro-  
ceedings for divorce; and whereas by her petition she has  
prayed for the passing of an Act dissolving her said marriage,  
20 authorizing her to marry again, and affording her such other  
relief as is deemed meet; and whereas the said allegations have  
been proved, and it is expedient that the prayer of her petition  
be granted; Therefore His Majesty, by and with the advice  
and consent of the Senate and House of Commons of Canada,  
25 enacts as follows:—

**1.** The said marriage between Helena Mellor Webb and Her- Marriage  
bert Victor Fleming, her husband, is hereby dissolved, and shall dissolved.  
be henceforth null and void to all intents and purposes what-  
soever.

30 **2.** The said Helena Mellor Webb may at any time hereafter Right to  
marry any man whom she might lawfully marry if the said marry again.  
marriage with the said Herbert Victor Fleming had not been  
solemnized.

THE SENATE OF CANADA.

BILL

WW

An Act for the relief of Helena Mellor Fleming.

Received and read a first time,

Wednesday, 9th March, 1910.

Second reading,

Friday, 11th March, 1910.

Honourable Mr. DAVIS.

BILL AS PASSED MARCH 16, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL WW.

An Act for the relief of Helena Mellor Fleming.

**W**HEREAS Helena Mellor Fleming, presently residing at Preamble.  
the city of Moosejaw, in the province of Saskatchewan,  
wife of Herbert Victor Fleming, formerly of the city of Winnipeg,  
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went through the form of marriage with Mary Louisa Regan,  
with whom he has since then lived as man with wife, and with  
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relief as is deemed meet; and whereas the said allegations have  
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bert Victor Fleming, her husband, is hereby dissolved, and shall dissolved.  
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- 30 2. The said Helena Mellor Webb may at any time hereafter Right to  
marry any man whom she might lawfully marry if the said marry again.  
marriage with the said Herbert Victor Fleming had not been  
solemnized.



## THE SENATE OF CANADA.

### BILL XX.

#### An Act to incorporate The Pioneers' Loan Company.

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

**1.** Hugh Robert Cameron, manager; Alexander Cumming Incorpora-  
Fraser, merchant; William Gray Weatherston, banker; Ben- tion.  
jamin D'Arcy Wallace, gentleman; George Robson Coldwell,  
barrister-at-law; Ernest Lisle Christie, merchant; John E.  
10 Smith, farmer; and Henry Lamont Adolph, barrister-at-law;  
all of the city of Brandon, in the province of Manitoba, together  
with such other persons as may hereafter become shareholders  
in the Company, are hereby incorporated under the name of  
"The Pioneers' Loan Company," hereinafter called "the Com- Corporate  
15 pany." name.

**2.** The persons named in section one of this Act, together Provisional  
with such persons not exceeding nine as they may associate directors.  
with them, shall be the provisional directors of the Company,  
five of whom shall constitute a quorum; and they may forth  
20 with open stock books, procure applications for shares of the  
Company; make allotments in pursuance of the same; and  
make calls upon shares allotted and receive payments thereon  
upon such terms as they may deem proper; and shall deposit Powers.  
in a chartered bank in Canada all moneys received by them  
25 on account of the shares so subscribed for, or otherwise received  
by them on account of the Company; and may withdraw the  
same for the proper purposes of the Company, including pre-  
liminary expenses; and they may also exercise such of the  
powers of the directors as may be necessary, and do anything  
30 whatever that may be necessary or proper to complete the  
organization of the Company: Provided that no greater com-  
mission shall be paid upon the sale of the shares of the Company  
than ten per cent upon the par value thereof.

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

**4.** The head office of the Company shall be in the city of Head office.  
Brandon, in the province of Manitoba, or such other place in

Branches.	Canada as the directors may from time to time determine by by-law: Provided, however, that the Company may by resolution of the directors establish branch offices and places of business at other points in Canada or elsewhere.	
First general meeting.	<b>5.</b> As soon as one hundred thousand dollars of the capital stock of the Company have been subscribed, and a sum of not less than fifty thousand dollars has been paid into the treasury of the Company and deposited in 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 Brandon, at which meeting the shareholders shall elect not less than nine nor more than fifteen directors, who shall hold office until their successors are duly appointed, and upon the election of such directors the functions of the provisional directors shall cease.	5 10 15
Election of directors.	<b>2.</b> No person shall be qualified to act as a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock of the Company, and has paid all calls thereon.	15
Qualification of directors.	<b>3.</b> The number of the directors may be changed from time to time by vote of the shareholders at any general meeting of the Company: Provided, that the Company shall not have at any time more than twenty directors.	20
Number of directors.	<b>4.</b> Two weeks' notice of such meeting of shareholders shall be given by advertisement in any newspaper published in the place of the head office, and by circular to each shareholder posted and registered at the Brandon post office, and addressed to the last known address of such shareholder: Provided, that if all the of shareholders of the Company are present in person or represented by proxy, the meeting may be held at any time and at any place without notice.	25 30
Notice of general meeting.	<b>6.</b> The Company shall not borrow nor lend money, nor otherwise carry on its business, until it has obtained from the Minister of Finance a certificate permitting it to do so; and no application for such certificate shall be made, and no certificate shall be given until the board of directors has been elected as required by this Act, nor until it has been shown to the satisfaction of the Minister of Finance that the provisions of section five of this Act in that behalf have been complied with.	35
Certificate requisite for doing business.	<b>2.</b> No such certificate shall be given unless application therefor be duly made within two years from the date upon which this Act shall come into effect.	40
Limit of time.	<b>7.</b> The Company may carry on the business of lending money on the security of, or purchasing or investing in— (a) the debentures, bonds, fully paid-up stock and other securities of any government or of any municipal corporation or school corporation, or of any chartered bank or incorporated company, if incorporated by Canada or any province of Canada, or any former province now forming part of Canada, but not including bills of exchange or promissory notes: Provided, that the Company shall not invest in or lend money upon the security of the stocks of any other loan company, except as hereinafter authorized.	45 50
Powers for lending money.		

(b) mortgages, hypothecs or agreements of sale upon or in respect of freehold or leasehold land or other immoveables.

2. The Company may take personal security as collateral for any advance made or to be made or contracted to be made by or for any debt due to the Company.

Personal security as collateral.

8. The Company may act as an agency association and on behalf of any person or persons who entrust it with money for that purpose, and may, either in the name of the Company or of such others, lend and advance money to any municipal or other authority, or any board or body of trustees or commissioners, upon such securities as are mentioned in the next preceding section, and may purchase and acquire any securities on which they are authorized to advance money, and again re-sell the same.

Powers as agency association.

2. The conditions and terms of such loans and advances and of such purchases and re-sales may be enforced by the Company for its benefit, and for the benefit of the person or corporation for whom such money has been lent and advanced, or such purchase and re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital.

Enforcement of agreements.

3. The Company may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys entrusted to the Company for investment.

Guarantee of moneys.

4. The Company may, for every or any of the foregoing purposes, lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be raised by the Company in addition to its capital for the time being, or any moneys so entrusted to it as aforesaid, and may do, assent to, and exercise all acts whatsoever which in the opinion of the directors are requisite or expedient to be done in regard thereto.

Employment of capital.

5. All moneys of which the repayment of the principal or payment of interest is guaranteed by the Company, shall, for the purposes of this Act, be deemed to be borrowed by the Company.

Money guaranteed deemed to be borrowed.

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

Liquidation of other companies.

10. The Company may, subject to any limitation or prohibition imposed by its by-laws, lend upon its own paid-up stock to an amount not exceeding in the aggregate of all such loans ten per cent of the Company's paid-up stock, but no such loan shall exceed eighty per cent of the then current market value of such stock.

Loans upon company's stock.

11. The Company may borrow money and receive money on deposit, and upon such terms as to interest, security, time of payment or otherwise as may be agreed upon, and may issue its bonds, debentures and other securities for moneys borrowed:

Borrowing powers. Deposits. Issue of debentures.

Limitation of deposits.	Provided that the amount held on deposit shall not at any time exceed the aggregate amount of the then actually paid up unimpaired capital, and of the cash actually in hand or deposited in any chartered bank in Canada or elsewhere belonging to the Company.	5
Certificate.	2. The Company shall not exercise the powers conferred in this section until it has obtained from the Minister of Finance a certificate permitting it to do so; and no application for such certificate may be made and no such certificate shall be given until the Company has established to the satisfaction of the Minister of Finance that at least three hundred thousand dollars of its capital stock has been subscribed, and at least one hundred thousand dollars has been paid thereon.	10
Increase of capital.	<b>12.</b> The directors may, at any time after the whole of the capital stock of the Company has been subscribed, and fifty per cent paid thereon, but no sooner, from time to time by by-law provide for the increase of the capital stock of the Company to any amount which they consider requisite, and such additional capital stock may be pooled or otherwise disposed of upon such terms as the directors may deem proper.	15 20
Decrease of capital.	<b>13.</b> The directors may from time to time by by-law provide for the decrease of the capital stock of the Company to any amount which they consider sufficient.	
Contents of by-law.	2. Such by-law shall declare the number of shares of stock so decreased and the allotment thereof, or the rules by which the same is to be made.	25
Liability to creditors.	3. The liability of shareholders to persons who are, at the time the stock is decreased, creditors of the Company, shall remain as though the stock had not been decreased.	
By-laws affecting capital to be sanctioned.	<b>14.</b> No by-law for increasing or decreasing the capital stock of the Company shall have any force or effect unless and until it has been sanctioned by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for considering such by-law, such shareholders holding not less than two-thirds of the amount paid up upon the capital stock of the Company represented at such meeting, nor unless such by-law has afterwards been confirmed by a certificate of the Minister of Finance given under the authority of the Treasury Board.	30 35
Certificate of Minister of Finance.		
Requisites for certificate.	<b>15.</b> Upon the application of the Minister of Finance for a certificate confirming such a by-law, the Company shall satisfy him of the <i>bona fide</i> character of the increase or decrease of capital thereby provided for; and, unless it appears that the granting of such certificate would not be in the public interest, the Minister, with the approval of the Treasury Board, may grant the same: Provided that, with the consent of the directors, the amount of such increase or decrease of capital may, by the said certificate, be changed, and the increase or decrease be made subject to such conditions as the Treasury Board think proper.	40 45 50
Proviso.		

16. The directors may, with the consent of the shareholders at a special general meeting duly called for the purpose, create and issue debenture stock in sterling or currency, in such amounts and manner, on such terms as to redemption or payment thereof, and otherwise, and bearing such rate of interest as the directors may from time to time think proper; but such debenture stock shall be treated and considered as part of the ordinary debt of the Company, and such debenture stock shall, subject to the terms and provisions of any trust deed made for the purpose of securing such issue, rank equally with the ordinary debenture and deposit debt of the Company, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by depositors or holders of ordinary debentures of the Company, save as aforesaid.

Issue of  
debenture  
stock.

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

Registration  
of debenture  
stock.

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

Exchange of  
debentures  
for debenture  
stock.

19. The directors having issued debenture stock may, from time to time as they think fit and for the interest of the Company, buy up and cancel the debenture stock or any portion thereof; and the directors may, at any time, with the consent of those holding not less than two-thirds in value of the debenture stock of any company whose assets and business may at any time be acquired by the Company, cancel the debenture stock of such company, and give in lieu thereof to the respective holders thereof debenture stock of the Company.

Cancellation  
of debenture  
stock.

Debenture  
stock of other  
companies.

20. The Company may, in general meeting of its shareholders duly called for the purpose, pass a by-law authorizing its directors to extend the business of the Company outside of Canada, and the directors may give effect to such by-law without being liable or responsible for any breach of trust in so doing.

Business  
outside  
Canada.

2. If, as provided in the next preceding subsection, the Company carries on business outside of Canada, the Company may, in general meeting of the shareholders duly called for the purpose, pass a by-law authorizing the directors to invest the money of the Company in the erection or purchase of buildings required for the occupation of the Company in any place where the Company is so carrying on business.

Buildings  
for foreign  
agencies.

Business of  
foreign  
agencies.

**21.** The Company may have agencies in any places in Great Britain or elsewhere, for the registration and transfer of debentures, debenture stock or shares, and for the transmission of any other business of the Company.

Power to  
acquire  
business, etc.,  
of other  
companies,  
etc.

**22.** The Company may purchase the entire assets and acquire 5  
and undertake the whole or any part of the business, property  
and liabilities and the name and good-will of any individual,  
firm, company or companies, carrying on any business which the  
Company is authorized to carry on, or possessed of property 10  
suitable for the purposes of the Company, and may pay therefor  
in cash or in stock either fully paid up or partly paid up, or  
partly in cash and partly in stock, either fully paid up or partly  
paid up, or in any other manner; and any of the companies  
hereinbefore mentioned whose assets the Company desires to 15  
purchase are hereby authorized to sell and transfer their respec-  
tive assets, business, property, name and good-will, to the Com-  
pany, and any such companies may enter into all agreements  
of purchase and sale and do all acts necessary or convenient for  
the purpose of such purchase and sale: Provided always that 20  
specific assets may be accepted from any such purchase and sale.

Power  
to other  
companies  
to sell.

Agreements.

Proviso.

Issue of  
debenture  
stock in lieu  
of existing  
debenture  
stock of  
other  
companies.

**23.** In case any company whose assets are required by the  
Company has issued debentures or debenture stock, and such  
debentures or debenture stock are outstanding at the date of  
the acquisition aforesaid, the directors of the Company may,  
if and when they see fit, and either with or without the sanction 25  
of the shareholders, issue debentures or debenture stock to the  
extent of the nominal value of the debentures or debenture  
stock of such other company outstanding as aforesaid, and may  
with the consent of any holder of debentures or debenture stock  
in such other company give to him, in lieu of the debentures or 30  
debenture stock held by him, debentures or debenture stock of  
the Company on such terms as may be agreed upon.

Powers of  
directors.

**24.** The business of the Company shall be managed by the  
directors, who may make or cause to be made for the Company  
any description of contract which the Company may, by law, 35  
enter into, and may exercise all such powers of the Company as  
are not by this Act required to be exercised by the Company in  
general meeting, and amongst other things may, from time to  
time, exercise the following powers, the same being specifically  
referred to for greater certainty, but not so as to restrict the 40  
generality of the foregoing terms of this section:—

Issue  
debentures,  
receipts,  
calls, etc.

(a) issue debentures, bonds, deposit receipts and stock and  
regulate the allotment of stock, the making of calls thereon, the  
manner and time of payment thereof, the issue and registration  
of certificates of stock, the forfeiture of stock for non-payment, 45  
the disposal of forfeited stock and of the proceeds thereof, and  
the transfer of stock;

Payment  
of calls in  
advance.

(b) if they think fit, receive, from any member willing to  
advance the same, all or any part of the money due upon the  
shares held by him beyond the sums actually called for; and, 50  
upon the money so paid in advance, or so much thereof as from  
time to time exceeds the amount of the calls then made upon

- the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the directors agree upon;
- (c) declare and pay dividends; Dividends.
- 5 (d) subject to the provisions of this Act, determine and appoint officers of the Company and define their duties, the number of directors, their term of service and their remuneration, if any; Officers and directors.
- (e) delegate any of their powers to committees consisting of such member or members of their body as they think fit; and any Delegation of powers.
- 10 committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on them by the directors;
- 15 (f) appoint and remove all agents, employees and servants of the Company, and provide for and determine their functions, and duties, the security to be given by them to the Company, and their remuneration; Appointment of agents, employees, etc.
- (g) determine the time and place for the holding of the annual, or any other meeting of the Company, the calling of meetings, regular and special, of the board of directors and of the Company, Meetings.
- 20 the quorum at meetings of directors and of the Company, the requirements as to votes and proxies, and the procedure in all things at such meetings;
- (h) provide for the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; Fixing of penalties.
- 25 (i) conduct in all other particulars the affairs of the Company; Conduct of company's affairs.
- (j) make by-laws for the regulation of the business of the Company, and of the officers, employees and servants of the Company. By-laws.
25. The Company shall not be bound to see to the execution
- 30 of any trust, whether express, implied or constructive, to which any share or shares of its stock, or debentures, or debenture stock, or any deposit or any moneys payable by or in the hands of the Company may be subject; and the receipt of the party or parties in whose name such share or shares, debentures, debenture stock, deposit or moneys, stand in the books of the Company, shall, from time to time, be sufficient discharge to the Company for any payment made in respect of such share or shares, debentures, debenture stock, deposit moneys, notwithstanding any trust to which the same may then be subject, and
- 35 whether or not the Company has had notice of such trust, and the Company shall not be bound to see to the application of the money paid upon such receipt. Company not bound to see to execution of trusts.
26. No parcel of land or interest therein at any time acquired by the Company and not required for its actual use and occupation or not held by way of security, shall be held by the Company or any trustee on its behalf for a longer period than ten years after the acquisition thereof; but such land or interest therein shall be absolutely sold and disposed of so that the Company shall no longer retain any interest therein unless by way
- 45 of security: Provided that any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned which has been held by the Company for a longer period than ten years without being disposed of, shall be forfeited to His Majesty: Term for which land may be held.
- 50 Forfeiture.

Extension of term.

Notice of enforcing forfeiture.

Statement to Minister of Finance.

Annual statement to Minister of Finance.

Notice of general meeting.

Proxy.

Application of R.S., c. 79.

Provided, however, that His Majesty 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 Company of the intention of His Majesty to claim such forfeiture. 5

2. The Company shall, when required, give the Minister of Finance a full and correct statement of all lands at the date of such statement held by the Company or in trust for the Company, and subject to the provisions of subsection 1 of this section. 10

**27.** The Company shall, on or before the first day of March in each year, transmit to the Minister of Finance a statement, in duplicate, to and including the thirty-first day of December of the previous year, verified by the oath of the president or vice-president and the manager, setting out the capital stock of 15 the Company, and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities and also the 20 extent and value of the lands held by it, and such other details as to the nature and extent of the business of the Company as the Minister of Finance requires, and in such form and with such details as he, from time to time, requires and prescribes; but the Company shall in no case be bound to disclose the name 25 private affairs of any person who has been dealing with it.

**28.** Notice of the time and place for holding general meetings of the Company shall be given at least twenty days previous thereto in some newspaper published at the place in which the head office or chief place of business of the Company is situated. 30

2. At such meetings each shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy, provided that the proxy must be in writing, and must be filed with the secretary of the Company before the opening of the meeting, and that no one but a shareholder of the Company 35 shall be entitled to hold a proxy.

**29.** Part II of *The Companies Act*, except sections 125, 126, 127, 132, 134, 135, 161, 165 and 167 thereof shall apply to the Company.

BILL AS PASSED APRIL 14, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL XX.

An Act to incorporate The Pioneers' Loan Company.

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

**1.** Hugh Robert Cameron, manager; Alexander Cumming Fraser, merchant; William Gray Weatherston, banker; Benjamin D'Arcy Wallace, gentleman; George Robson Coldwell, barrister-at-law; Ernest Lisle Christie, merchant; John E. Smith, farmer; and Henry Lamont Adolph, barrister-at-law; all of the city of Brandon, in the province of Manitoba, together with such other persons as may hereafter become shareholders in the Company, are hereby incorporated under the name of "The Pioneers' Loan Company," hereinafter called "the Company."

Preamble.

Incorporation.

Corporate name.

**2.** The persons named in section one of this Act shall be the provisional directors of the Company, a majority of whom shall constitute a quorum for the transaction of business; and they may forthwith open stock books, make calls upon stock subscribed and receive payments thereon; and shall deposit in a chartered bank in Canada all moneys received by them on account of the stock so subscribed for, 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 what is necessary to organize the Company.

Provisional directors.

Powers.

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

Capital stock.

Head office.	4. The head office of the Company shall be in the city of Brandon, in the province of Manitoba, or such other place in Canada as the directors may from time to time determine by by-law, but the Company may establish branch offices and places of business elsewhere.	5
Branches.		
First general meeting.	5. As soon as one hundred thousand dollars of the capital stock of the Company have been subscribed, and a sum of not less than fifty thousand dollars has been deposited in 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 Brandon, at which meeting the shareholders shall elect not less than nine nor more than fifteen directors, who shall hold office until their successors are elected, and upon the election of such directors the functions of the provisional directors shall cease.	10
Election of directors.	2. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company.	15
Qualification of directors.	6. The Company shall not commence business until at least five hundred thousand dollars of the capital stock have been subscribed and at least one hundred thousand dollars have been paid thereon in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided that the Company shall not borrow nor lend money, nor otherwise carry on its business, until it has obtained from the Minister of Finance a certificate permitting it to do so; and no application for such certificate shall be made, and no certificate shall be given until the board of directors has been elected as required by this Act, nor until it has been shown to the satisfaction of the Minister of Finance that the provisions of section five of this Act in that behalf have been complied with.	20
Subscription and payment of capital before commencing business.	2. No such certificate shall be given unless application therefor be duly made within two years from the date upon which this Act shall come into effect.	25
Certificate requisite for doing business.	7. The Company may carry on the business of lending money on the security of, or purchasing or investing in— (a) the debentures, bonds, fully paid-up stock and other securities of any government or of any municipal corporation or school corporation, or of any chartered bank or incorporated company, if incorporated by Canada or any province of Canada, or any former province now forming part of Canada, but not including bills of exchange or promissory notes: Provided, that the Company shall not invest in or lend money upon the security of the stocks of any other loan company;	30
Limit of time.	(b) mortgages or hypothecs upon freehold or leasehold real estate or other immovables.	35
Powers for lending money.		45

2. The Company may take personal security as collateral for any advance made or to be made or contracted to be made by or for any debt due to the Company.

Personal security as collateral.

8. The Company may act as an agency association for the interest and on behalf of any others who entrust it with money for that purpose, and may, either in the name of the Company or of such others, lend and advance money to any person or municipal or other authority, or any board or body of trustees or commissioners, upon such securities as are mentioned in the next preceding section, and may purchase and acquire any securities on which they are authorized to advance money, and again re-sell the same.

Powers as agency association.

2. The conditions and terms of such loans and advances and of such purchases and re-sales may be enforced by the Company for its benefit, and for the benefit of the person for whom such money has been lent and advanced, or such purchase and re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital.

Enforcement of agreements.

3. The Company may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys entrusted to the Company for investment.

Guarantee of moneys.

4. The Company may, for every or any of the foregoing purposes, lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be raised by the Company in addition to its capital for the time being, or any moneys so entrusted to it as aforesaid, and may do, assent to, and exercise all acts whatsoever which in the opinion of the directors are requisite or expedient to be done in regard thereto.

Employment of capital.

5. All moneys of which the repayment of the principal or payment of interest is guaranteed by the Company, shall, for the purposes of this Act, be deemed to be money borrowed by the Company.

Money guaranteed deemed to be borrowed.

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

Liquidation of other companies.

10. The Company may, subject to any limitation or prohibition imposed by its by-laws, lend upon its own paid-up stock to an amount not exceeding in the aggregate of all such loans ten per cent of the Company's paid-up stock, but no such loan shall exceed eighty per cent of the market price then actually offered for such stock.

Loans upon company's stock.

Borrowing powers. Deposits. Issue of debentures. Limitation of liability to the public.	<b>11.</b> The Company may borrow money and receive money on deposit, and upon such terms as to interest, security, time of payment or otherwise as may be agreed upon, and may issue its bonds, debentures and other securities for moneys borrowed: Provided that the total of the Company's liability to the public outstanding from time to time shall not exceed four times the amount paid upon its capital stock; but the amount of cash on hand, or deposited in chartered banks, belonging to the Company shall be deducted from such total liability for the purposes of this section: Provided also that the amount held on deposit shall not at any time exceed the aggregate amount of the then actually paid up unimpaired capital, and of the cash actually in hand or deposited in any chartered bank in Canada or elsewhere belonging to the Company.	5
Limitation of deposits.		10
Deduction of loans.	<b>2.</b> The loans or advances by the Company to its shareholders shall be deducted from the amount of the paid-up capital upon which the Company is authorized to borrow.	15
Liabilities of other companies.	<b>3.</b> The liabilities of any company assumed by the Company shall form part of the total liabilities of the Company to the public for the purposes of this section.	20
Increase of capital.	<b>12.</b> The directors may, at any time after the whole of the capital stock of the Company has been subscribed, and fifty per cent paid thereon, but no sooner, from time to time by by-law provide for the increase of the capital stock of the Company to any amount which they consider requisite.	25
Decrease of capital.	<b>13.</b> The directors may from time to time by by-law provide for the decrease of the capital stock of the Company to any amount, not less than one hundred thousand dollars, which they consider sufficient.	
Contents of by-law.	<b>2.</b> Such by-law shall declare the number of shares of stock so decreased and the allotment thereof, or the rules by which the same is to be made.	30
Liability to creditors.	<b>3.</b> The liability of shareholders to persons who are, at the time the stock is decreased, creditors of the Company, shall remain as though the stock had not been decreased.	35
By-laws affecting capital to be sanctioned.	<b>14.</b> No by-law for increasing or decreasing the capital stock of the Company shall have any force or effect unless and until it has been sanctioned by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for considering such by-law, such shareholders holding not less than two-thirds of the issued capital stock of the Company represented at such meeting, nor unless such by-law has afterwards been confirmed by a certificate of the Minister of Finance given under the authority of the Treasury Board.	40
Certificate of Minister of Finance.		
Requisites for certificate.	<b>15.</b> Upon the application to the Minister of Finance for a certificate confirming such a by-law, the Company shall satisfy	45

him of the *bonâ fide* character of the increase or decrease of capital thereby provided for; and, unless it appears that the granting of such certificate would not be in the public interest, the Minister, with the approval of the Treasury Board, may  
5 grant the same: Provided that, with the consent of the Company, Proviso.  
the amount of such increase or decrease of capital may, by the said certificate, be changed, and the increase or decrease be made subject to such conditions as the Treasury Board think proper.

10 **16.** The directors may, with the consent of the shareholders at a special general meeting duly called for the purpose, create and issue debenture stock in sterling or currency, in such amounts and manner, on such terms as to redemption or payment thereof, and otherwise, and bearing such rate of interest  
15 as the directors may from time to time think proper; but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the Company, and such debenture stock shall rank equally with the ordinary debenture and deposit  
20 debt of the Company, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by depositors or holders of ordinary debentures of the Company.

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

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

**19.** The Company having issued debenture stock may, from time to time as it thinks fit and in the interest of the Company,  
40 but only with the consent of the holders thereof, buy up and cancel the debenture stock or any portion thereof. Cancellation of debenture stock.

**20.** The Company may, in general meeting of its shareholders duly called for the purpose, pass a by-law authorizing its directors to extend the business of the Company outside of Canada, and  
45 the directors may give effect to such by-law without being liable or responsible for any breach of trust in so doing. Business outside Canada.

Buildings for foreign agencies.

2. If, as provided in the next preceding subsection, the Company carries on business outside of Canada, the Company may, in general meeting of the shareholders duly called for the purpose, pass a by-law authorizing the directors to invest the money of the Company in the acquisition of property for the erection of or purchase of buildings required for the occupation or use of the Company in any place where the Company is so carrying on business. 5

Business of foreign agencies.

21. The Company may have agencies in any places in Great Britain or elsewhere, for the registration and transfer of debentures, debenture stock or shares, and for the transaction of any other business of the Company. 10

Power to acquire business, etc., of other companies, etc.

22. The Company may purchase the entire assets and acquire and undertake the whole or any part of the business, assets, rights, credits, effects, property, real, personal or mixed, of whatsoever kind or wheresoever situated, liabilities, name and goodwill belonging to any other company within the legislative power of the Parliament of Canada, carrying on any business which the Company is authorized to carry on, or possessed of property suitable for the purposes of the Company, and may pay therefor in cash or in stock either fully paid up or partly paid up, or partly in cash and partly in stock, either fully paid up or partly paid up, or in any other manner; and any such company or companies hereinbefore mentioned whose assets the Company desires to purchase are hereby authorized to sell and transfer their respective assets, business, property, name and good-will to the Company, and any such companies may enter into all agreements of purchase and sale and do all acts necessary or convenient for the purpose of such purchase and sale: Provided always that specific assets may be excepted from any such purchase and sale: Provided further that no such agreement shall become operative and effective until it has been submitted to and approved by the Treasury Board. 15 20 25 30

Power to other companies to sell.

Agreements. Proviso.

Issue of debenture stock in lieu of existing debenture stock of other companies.

23. In case any company whose assets are acquired by the Company has issued debentures or debenture stock, and such debentures or debenture stock are outstanding at the date of the acquisition aforesaid, the directors of the Company may, if and when they see fit, and either with or without the sanction of the shareholders, issue debentures or debenture stock to the extent of the nominal value of the debentures or debenture stock of such other company outstanding as aforesaid, and may with the consent of any holder of debentures or debenture stock in such other company give to him, in lieu of the debentures or debenture stock held by him, debentures or debenture stock of the Company on such terms as may be agreed upon. 35 40 45

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

Company not bound to see to execution of trusts.

25. No parcel of land or interest therein at any time acquired by the Company and not required for its actual use and occupation or not held by way of security, shall be held by the Company or any trustee on its behalf for a longer period than ten years after the acquisition thereof; but such land or interest therein shall be absolutely sold and disposed of so that the Company shall no longer retain any interest therein unless by way of security: Provided that any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned which has been held by the Company for a longer period than ten years without being disposed of, shall be forfeited to His Majesty: Provided, however, that His Majesty 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 Company of the intention of His Majesty to claim such forfeiture.

Term for which land may be held.

Forfeiture.

Extension of term.

Notice of enforcing forfeiture.

2. The Company shall, when required, give the Minister of Finance a full and correct statement of all lands at the date of such statement held by the Company or in trust for the Company, and subject to the provisions of subsection 1 of this section.

Statement to Minister of Finance.

26. The Company shall, on or before the first day of March in each year, transmit to the Minister of Finance a statement, in duplicate, to and including the thirty-first day of December of the previous year, verified by the oath of the president or vice-president and the manager or secretary, setting out the capital stock of the Company, and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the Company as the Minister of Finance requires, and in such form and with

Annual statement to Minister of Finance.

such details as he, from time to time, requires and prescribes; but the Company shall in no case be bound to disclose the name or private affairs of any person who has been dealing with it.

Penalty for default.

2. If the Company for the space of one month neglects or refuses to comply with the written request of the Minister of Finance to make the statement to him required by this section, the Company shall incur a penalty not exceeding twenty dollars for every day during which such default continues; and every director and officer of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Notice of general meeting.

**27.** Notice of the time and place for holding general meetings of the Company shall be given at least twenty days previous thereto in some newspaper published at the place in which the head office or chief place of business of the Company is situated.

Proxy.

2. At such meetings each shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy: Provided that the proxy must be in writing, and must be filed with the secretary of the Company before the opening of the meeting, and that no one but a shareholder of the Company shall be entitled to hold a proxy.

Application of R.S., c. 79.

**28.** Part II of *The Companies Act*, except sections 125, 126, 134, 135, 161 and 165 thereof shall apply to the Company.

## THE SENATE OF CANADA.

### BILL YY.

An Act for the relief of John Green.

WHEREAS John Green of the city of Kingston, in the prov- Preamble.  
ince of Ontario, butcher, has by his petition alleged,  
in effect, that on the twenty-eighth day of August, A.D. 1888,  
at the said city of Kingston, he was lawfully married to Ida  
5 Haffner; that she was then of the said city of Kingston, a spin-  
ster; that his legal domicile was then and is now in Canada;  
that at the said city of Kingston, on divers occasions in the  
latter part of the year, 1903, and subsequently thereto up to  
the beginning of April, A.D. 1904, she committed adultery  
10 with one Ernest Reynolds; that on divers occasions in the  
months of April and May, A.D. 1904, she committed adultery  
with the said Ernest Reynolds at Sharbot Lake, in the province  
of Ontario, at Winnipeg and Portage La Prairie in the province  
of Manitoba, and at Sudbury and Renfrew in the province of  
15 Ontario; that he has not connived at nor condoned the said  
adultery; that there has been no collusion, directly or indirectly,  
between him and her in the proceedings for divorce; and  
whereas by his petition he has prayed for the passing of an Act  
dissolving his said marriage, authorizing him to marry again,  
20 and affording him such other relief as is deemed meet; and  
whereas the said allegations have been proved, and it is ex-  
pedient that the prayer of his petition be granted: Therefore  
His Majesty, by and with the advice and consent of the Senate  
and House of Commons of Canada, enacts as follows:—

25 **1.** The said marriage between John Green and Ida Haffner, Marriage  
his wife, is hereby dissolved, and shall be henceforth null and dissolved.  
void to all intents and purposes whatsoever.

**2.** The said John Green may at any time hereafter marry Right to  
any woman he might lawfully marry if the said marriage with marry again.  
30 the said Ida Haffner had not been solemnized.

THE SENATE OF CANADA.

BILL

VV

An Act for the relief of John Green.

Received and read a first time,

Friday, 11th March, 1910.

Second reading,

Thursday, 17th March, 1910.

Honourable Mr. LOUGHEED.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty

1909-10

BILL AS PASSED APRIL 6, 1910.

## THE SENATE OF CANADA.

### BILL YY.

An Act for the relief of John Green.

**W**HEREAS John Green of the city of Kingston, in the province of Ontario, butcher, has by his petition alleged, in effect, that on the twenty-eighth day of August, A.D. 1888, at the said city of Kingston, he was lawfully married to Ida Haffner; that she was then of the said city of Kingston, a spinster; that his legal domicile was then and is now in Canada; that at the said city of Kingston, on divers occasions in the latter part of the year, 1903, and subsequently thereto up to the beginning of April, A.D. 1904, she committed adultery with one Ernest Reynolds; that on divers occasions in the months of April and May, A.D. 1904, she committed adultery with the said Ernest Reynolds at Sharbot Lake, in the province of Ontario, at Winnipeg and Portage La Prairie in the province of Manitoba, and at Sudbury and Renfrew in the province of Ontario; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The said marriage between John Green and Ida Haffner, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

**2.** The said John Green may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Ida Haffner had not been solemnized.



## THE SENATE OF CANADA.

### BILL ZZ.

An Act for the relief of James Thornton Brownridge.

WHEREAS James Thornton Brownridge, of the township Preamble.  
of Trafalgar, in the county of Halton, in the province of  
Ontario, farmer, has by his petition alleged, in effect, that on the  
twenty-second day of January, A.D. 1896, at Eglinton, in the  
5 county of York, in the said province, he was lawfully married to  
Martha Emily Beaty, a spinster; that his legal domicile was  
then and is now in Canada; that at the city of Toronto, in the  
said county, on or about the first day of September, A.D. 1909,  
she went through a form of marriage with one John Lawrence,  
10 of Lambton Mills, in the said county of York, with whom she  
has since then lived as wife with husband and has thereby  
committed adultery; that he has not connived at nor condoned  
the said adultery; that there has been no collusion, directly or  
indirectly, between him and her in the proceedings for divorce;  
15 and whereas by his petition he has prayed for the passing of  
an Act dissolving his said marriage, authorizing him to marry  
again, and affording him such other relief as is deemed meet;  
and whereas the said allegations have been proved, and it is  
expedient that the prayer of his petition be granted: Therefore  
20 His Majesty, by and with the advice and consent of the Senate  
and House of Commons of Canada, enacts as follows:—

1. The said marriage between James Thornton Brownridge, Marriage  
and Martha Emily Beaty, his wife, is hereby dissolved, dissolved.  
and shall be henceforth null and void to all intents and purposes  
25 whatsoever.

2. The said James Thornton Brownridge may at any time Right to  
hereafter marry any woman he might lawfully marry if the said marry again.  
marriage with the said Martha Emily Beaty had not been  
solemnized.

THE SENATE OF CANADA.

**BILL**

**77**

An Act for the relief of James Thornton  
Brownridge.

Received and read a first time,

Friday, 11th March, 1910.

Second reading.

Thursday, 17th March, 1910.

Honourable Mr. McMULLEN.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty

1909-10

BILL AS PASSED APRIL 6, 1910.

## THE SENATE OF CANADA.

### BILL ZZ.

An Act for the relief of James Thornton Brownridge.

**W**HEREAS James Thornton Brownridge, of the township of Trafalgar, in the county of Halton, in the province of Ontario, farmer, has by his petition alleged, in effect, that on the twenty-second day of January, A.D. 1896, at Eglinton, in the county of York, in the said province, he was lawfully married to Martha Emily Beaty, a spinster; that his legal domicile was then and is now in Canada; that at the city of Toronto, in the said county, on or about the first day of September, A.D. 1909, she went through a form of marriage with one John Lawrence, of Lambton Mills, in the said county of York, with whom she has since then lived as wife with husband and has thereby committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The said marriage between James Thornton Brownridge, and Martha Emily Beaty, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

**2.** The said James Thornton Brownridge may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Martha Emily Beaty had not been solemnized.



## THE SENATE OF CANADA.

### BILL AAA.

An Act respecting The Brandon, Saskatchewan and Hudson's Bay Railway Company.

**W**HEREAS The Brandon, Saskatchewan and Hudson's 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:—

1. The Brandon, Saskatchewan and Hudson's Bay Railway Company may, within two years after the passing of this Act, commence the construction of the line of railway authorized by section 7 of chapter 86 of the statutes of 1903, and may, within five years after the passing of this Act, complete the said line and put it in operation; and if, within the said periods respectively, the said line is not so commenced and such expenditure is not so made, or the said line is not completed and put in operation, the powers of construction conferred upon the said company shall cease and be null and void as respects so much of the said line as then remains uncompleted.
2. The said company may, within five years after the passing of this Act, complete and put in operation the line of railway authorized by section 3 of chapter 62 of the statutes of 1905; and if, within the said period, the said line is not completed and put in operation, the powers of construction conferred upon the said company shall cease and be null and void as respects so much of the said line as then remains uncompleted.
3. Section 2 of chapter 62 of the statutes of 1905, is hereby repealed.

Preamble.  
1903, c. 86.  
1905, c. 62.

Extension of  
time for  
construction.  
1903, c. 86,  
s. 7.

Extension of  
time for  
construction.  
1905, c. 62,  
s. 3.

Repeal of  
present time  
limit

THE SENATE OF CANADA.

BILL

AAA

An Act respecting The Brandon, Saskatchewan and Hudson's Bay Railway Company.

Received and read first time,

Wednesday, 16th March, 1910.

Second reading,

Friday, 18th March, 1910.

Honourable Mr. WATSON.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty

1909-10

BILL AS PASSED APRIL 15, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL AAA.

An Act respecting The Brandon, Saskatchewan and Hudson's Bay Railway Company.

**WHEREAS** The Brandon, Saskatchewan and Hudson's 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:—

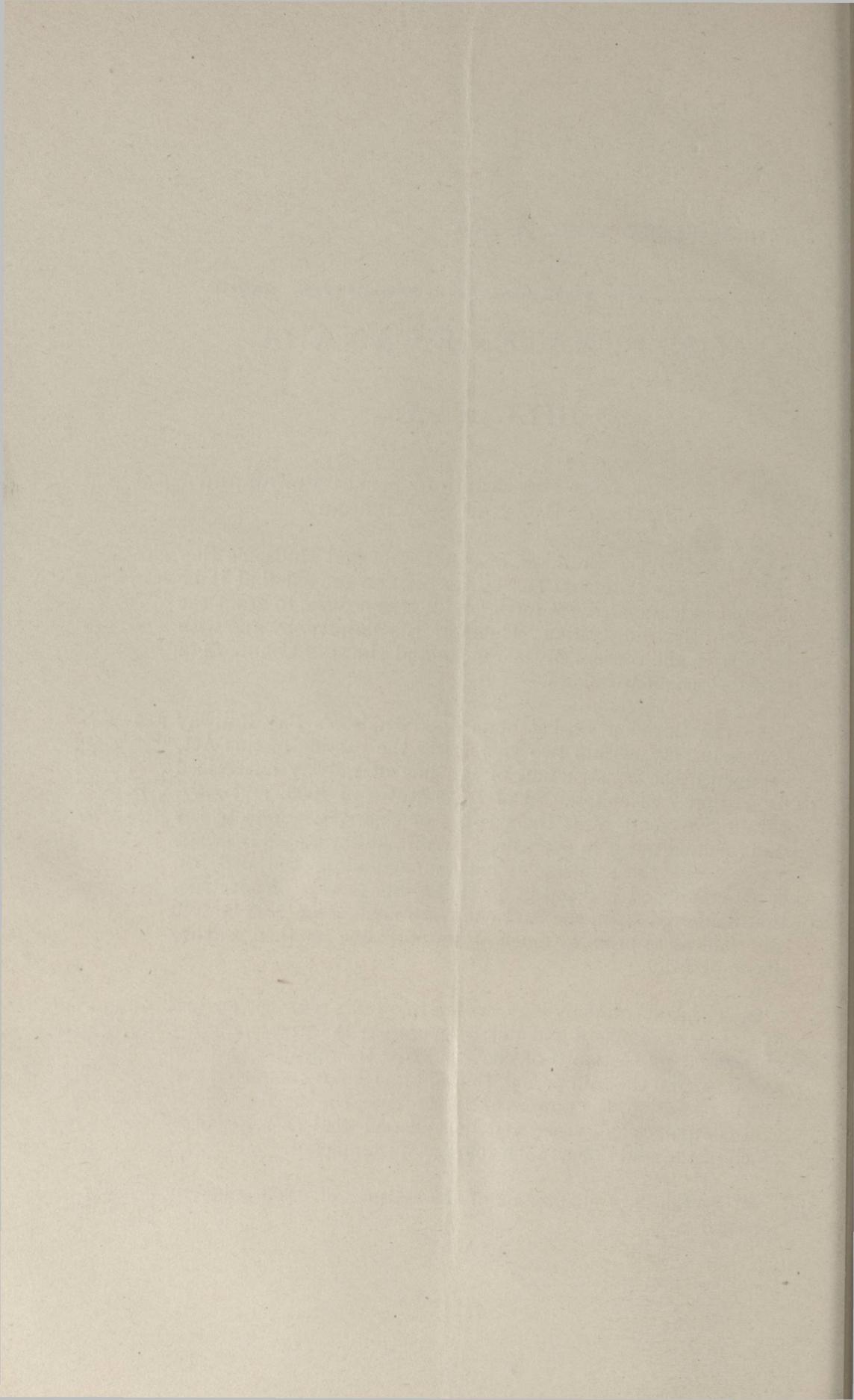
- 1.** The Brandon, Saskatchewan and Hudson's Bay Railway Company may, within two years after the passing of this Act, commence the construction of the line of railway authorized by section 7 of chapter 86 of the statutes of 1903, and may, within five years after the passing of this Act, complete the said line and put it in operation; and if, within the said periods respectively, the said line is not commenced, or the said line is not completed and put in operation, the powers of construction conferred upon the said company shall cease and be null and void as respects so much of the said line as then remains uncompleted.
- 2.** The said company may, within five years after the passing of this Act, complete and put in operation the line of railway authorized by section 3 of chapter 62 of the statutes of 1905; and if, within the said period, the said line is not completed and put in operation, the powers of construction conferred upon the said company shall cease and be null and void as respects so much of the said line as then remains uncompleted.
- 3.** Section 2 of chapter 62 of the statutes of 1905 is hereby repealed.

Preamble.  
1903, c. 86.  
1905, c. 62.

Extension of  
time for  
construction  
1903, c. 86,  
s. 7.  
1905, c. 62,  
s. 2.

Extension of  
time for  
construction.  
1905, c. 62,  
s. 3.  
R.S., c. 37,  
s. 150.

Repeal of  
present time  
limit



## THE SENATE OF CANADA.

### BILL BBB.

An Act to incorporate The St. Lawrence and Ungava  
Railway Company.

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

Preamble.

**1.** George D. Condie, William M. Condie, John K. Condie,  
Robert Bickerdike, and Frank Munro, all of the city of Mont-  
real, in the province of Quebec, together with such persons as  
become shareholders in the company, are hereby incorporated  
under the name of "The St. Lawrence and Ungava Railway  
Company" hereinafter called "the Company."

Incorporation.

Corporate name.

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

Provisional directors.

**3.** The capital stock of the Company shall be twenty-five  
million dollars, divided into two hundred and fifty thousand  
shares of one hundred dollars each. No one call thereon shall  
exceed ten per cent on the shares subscribed.

Capital stock.

Calls thereon.

**4.** The head office of the Company shall be in the city of  
Montreal, county of Hochelaga, province of Quebec.

Head office.

**5.** The annual meeting of the shareholders shall be held on  
the first day in June.

Annual meeting.

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

Number of directors.

**7.** The Company may lay out, construct and operate a rail-  
way of the gauge of four feet eight and one-half inches from a  
point on the St. Lawrence River, in the county of Berthier, in  
the province of Quebec, northerly through the counties of Jo-  
lette, Berthier, Maskinongé, St. Maurice and Champlain to the  
northern boundary of the province of Quebec, thence, in the  
district of Ungava, north-easterly to a point on Ungava Bay.

Line of railway described.

**8.** The securities issued by the Company shall not exceed  
thirty thousand dollars per mile of the railway, and may be

Issue of securities.

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

Agreements  
with other  
companies.  
R.S., c. 37.

9. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being 5

THE SENATE OF CANADA.

BILL

BBB

An Act to incorporate The St. Lawrence and Ungava Railway Company.

Received and read a first time,

Thursday, 17th March, 1910.

Second reading,

Thursday, 7th April, 1910.

Honourable Mr. EDWARDS.

OTTAWA

Printed by C. H. PARRELL

Printer to the King's most Excellent Majesty  
1909-10

# THE SENATE OF CANADA.

## BILL CCC.

An Act to amend The Criminal Code.

**H**IS Majesty, by and with the advice and consent of the Preamble  
Senate and House of Commons of Canada, enacts as R.S., c. 146.  
follows:—

**1.** Section 497 of *The Criminal Code* is hereby amended by  
5 inserting, after the word "union" in the first line thereof, the  
words "whose members are British subjects." Purposes of  
trade union.

**2.** Subsection 2 of section 498 of *The Criminal Code* is hereby  
amended by inserting, after the word "employees" in the  
second line thereof, the words "who are British subjects." S. 498  
amended.  
Combina-  
tions of  
workmen or  
employees.

2nd Session, 11th Parliament, 9-10 Edw. VII., 1909-10

THE SENATE OF CANADA.

**BILL**

CCC

An Act to amend The Criminal Code.

Received and read a first time,

Thursday, 17th March, 1910.

Second reading,

Thursday 7th April, 1910.

Honourable Mr. BELCOURT.

OTTAWA

Printed by C. H. PARRELL

Printer to the King's most Excellent Majesty  
1909-10

## THE SENATE OF CANADA.

### BILL DDD.

An Act respecting The Alberta and British Columbia  
Railway Company.

**W**HEREAS The Alberta and British Columbia Railway Com- Preamble.  
pany has, by its petition, prayed that it be enacted as 1908, c. 78.  
hereinafter set forth, and it is expedient to grant the prayer of  
the said petition: Therefore His Majesty, by and with the  
5 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

**1.** The Alberta and British Columbia Railway Company may, Extension of  
within two years after the passing of this Act, commence the time for  
construction.  
construction of the line of railway authorized by section 7 of  
10 chapter 78 of the statutes of 1908, and may, within five years R.S., c. 37,  
after the passing of this Act, complete the said line of railway s. 150.  
and put the same in operation; and if, within the said periods  
respectively, the said line of railway is not so commenced or  
not so completed and put in operation, the powers of con-  
15 struction conferred upon the said company by Parliament shall  
cease and be null and void as respects so much of the said rail-  
way as then remains uncompleted.

THE SENATE OF CANADA.

BILL

DDD

An Act respecting The Alberta and British Columbia Railway Company.

Received and read a first time,

Wednesday, 6th April, 1910.

Second reading,

Friday, 8th April, 1910.

Honourable Mr. LOGGHEED.

OTTAWA

Printed by C. H. PARRETT

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED APRIL 15, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL DDD.

An Act respecting The Alberta and British Columbia  
Railway Company.

**W**HEREAS The Alberta and British Columbia Railway Com- Preamble.  
pany has, by its petition, prayed that it be enacted as 1908, c. 78.  
hereinafter set forth, and it is expedient to grant the prayer of  
the said petition: Therefore His Majesty, by and with the  
5 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

**1.** The Alberta and British Columbia Railway Company may, Extension of  
within two years after the passing of this Act, commence the time for  
construction of the line of railway authorized by section 7 of construction.  
10 chapter 78 of the statutes of 1908, and expend fifteen per cent R.S., c. 37,  
of its capital stock thereon; and may, within five years after s. 150.  
the passing of this Act, complete the said line of railway  
and put the same in operation; and if, within the said periods  
15 respectively, the said line of railway is not commenced and  
such expenditure is not made, or the said line of railway is  
not completed and put in operation, the powers of con-  
struction conferred upon the said company by Parliament shall  
cease and be null and void as respects so much of the said line  
of railway as then remains uncompleted.

DDD—1



## THE SENATE OF CANADA.

### BILL EEE.

#### An Act respecting The British Northwestern Fire Insurance Company.

**W**HEREAS, The British Northwestern Fire Insurance Com- Preamble.  
pany has by its petition represented that it was incor-  
porated by chapter 109 of the statutes of 1906 of the province  
of Manitoba under the name of "The Freehold Fire Insurance  
5 Company"; that by chapter 110 of the said statutes of 1906  
the name of the company was changed to "The Prince Rupert  
Fire Insurance Company"; that, by Order in Council of the  
province of Manitoba, dated twenty-ninth April, one thousand  
nine hundred and eight, the name of the company was again  
10 changed to "The British Northwestern Fire Insurance Com-  
pany"; that by an Act of the legislature of the province of  
Manitoba passed at the session held during the present year,  
one thousand nine hundred and ten, certain further amend-  
ments were made to the said Acts; and that the company has  
15 since the date of its incorporation carried on the business of  
fire insurance in the province of Manitoba; and whereas the  
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  
20 the Senate and House of Commons of Canada, enacts as fol-  
lows:—

**1.** The shareholders of the company mentioned in the pre- Incorpora-  
amble, hereinafter called "the old Company," together with tion.  
such persons as become shareholders in the company incor-  
25 porated by this Act are hereby incorporated under the name of  
"The British Northwestern Fire Insurance Company" hereinafter called "the new Company."

**2.** The capital stock of the new Company shall be two million Capital  
dollars, and shall be divided into fifty thousand shares of forty stock.  
30 dollars each.

**3.** Each shareholder of the old Company is hereby declared Shares in  
to be the holder of two and one-half shares in the new Company old and new  
for each one share held by him in the old Company at the time companies.  
this Act takes effect, with the same percentage paid on each  
35 such share in the new Company as shall then have been paid  
in upon each share held by him in the old Company.

Liability of shareholders in new company.

2. The liability of the shareholders of the new Company upon the said shares of the new Company so held by them respectively shall amount per share only to the difference between the sum paid upon each share and forty dollars.

Liability of shareholders of old company to pay calls.

4. Nothing in this Act shall affect the liability of the shareholders of the old Company who have not paid the calls already made upon the shares of the old Company to pay the said calls. 5

Liability of shareholders of old company to creditors and policy-holders.

5. 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: 10  
Provided, however, that any payment made upon the shares of the new Company shall reduce the said liability of the shareholders of the old Company by the amount of such payment.

Acquisition of old company's assets.

6. The new Company may acquire all assets, rights, credits, effects and properties, real, personal, or mixed, of whatever 15  
kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or may become entitled; and in such case 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 20  
such debts, liabilities, obligations and contracts of the old Company shall be a first charge on the said assets, rights, credits, effects and property belonging to the old Company and acquired by the new Company; and any person having any claim, demand, right, cause of action, or complaint against the old 25  
Company, or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof, from and against the new Company, as such person has against the old Company: Provided, however, that the 30  
shareholders of the new Company shall not be individually liable, under section 150 of *The Companies Act*, with respect to their shares in the new Company, to such person, unless such person abandons his right in respect of the shares in the old Company. 35

Liability for old company's obligations.

As to individual liability of shareholders.  
R.S., c. 79.

Calls on shares.

7. The directors may from time to time make such calls as they think fit upon the shareholders, in respect of all moneys unpaid on the shares 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: 40  
Provided that no call shall exceed ten per cent and that not less than thirty days' notice of any call shall be given.

Continuance of officers and by-laws.

8. The president, vice-president and directors of the old Company shall be, respectively, the president, vice-president and directors of the new Company, until their successors are 45  
appointed; and all by-laws, rules and regulations of the old Company not contrary to law nor inconsistent with this Act shall be by-laws, rules and regulations of the new Company until amended or repealed in pursuance of the provisions of this Act. 50

**9.** The affairs of the new Company shall be managed by a board of not less than seven nor more than fifteen directors, as the by-laws prescribe, a majority of whom shall be a quorum. Directors.

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

**10.** All questions proposed for the consideration of the shareholders shall be determined by a majority of votes. The chairman presiding at such meeting, in addition to his own vote, shall have a casting vote in case of an equality of votes. Majority to govern.

**11.** The new Company as now organized and constituted is hereby 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, upon the new Company obtaining a license under *The Insurance Act*, apply to the new Company and its business instead of the said Acts of Manitoba and the Acts of Manitoba respecting insurance: Provided that nothing in this section shall affect anything done, any right or privilege acquired, or any liability under the above mentioned Acts of Manitoba, up to and at the time of the new Company obtaining a license under *The Insurance Act*, to all of which rights and privileges the new Company shall continue to be entitled and to all of which liabilities the new Company shall continue to be subject. Application of the Insurance Act.

**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 consideration and upon such modifications and restrictions and upon such conditions as are agreed upon between the new Company and the insured, and may generally carry on the business of fire insurance and the business of inland marine and inland transportation insurance as defined in *The Insurance Act* in all their branches and forms. Business. R.S., c. 34.

**2.** The new Company may also cause itself to be insured against any risk it may have taken in the course of its business. Reinsurance.

**3.** The new Company may also undertake the reinsurance of the risks of other companies. Risks of other companies.

**13.** The new Company may invest or deposit such proportion of its funds in foreign securities as is necessary for the maintenance of any foreign branch. Investment in foreign securities.

**14.** The new Company may acquire, hold, convey, mortgage, lease or otherwise dispose of any real property in part or wholly for the purposes, use or occupation 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 Manitoba where it shall not exceed twenty thousand dollars. Real estate.

- Head office. **15.** The head office of the new Company shall be in the city of Winnipeg, in the province of Manitoba, but local advisory boards or agencies may be established and maintained elsewhere in such manner as the directors from time to time direct.
- Agencies.
- Annual meetings. **16.** A general meeting of the new Company shall be held at the head office once in each year after the organization of the new Company and the commencement of business, and at such meeting a statement of the affairs of the new Company shall be submitted. 5
- Special meetings. 2. Special general meetings may at any time be called by any five of the directors, and the directors, upon requisition of any twenty-five shareholders, shall call a special general meeting, and in either case the object of such meeting shall be specified in the notice calling the meeting. 10
- Notice. 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 new Company. 15
- Increase of capital before license. **17.** Before obtaining the license required by *The Insurance Act* the subscribed capital of the new Company shall be increased to two hundred thousand dollars, and at least one hundred and fifty thousand dollars paid thereon into the funds of the new Company; and within three years after obtaining the said license an additional sum of one hundred thousand dollars shall be paid upon the capital stock of the new Company; but in no one year of the said three years shall the sum paid upon the capital stock be less than twenty-five thousand dollars: Provided, that a license shall not be issued to the new Company and thereafter renewed unless and until satisfactory evidence is furnished to the Superintendent of Insurance that the old Company has ceased to do business under the authority of the provincial Acts. 20 25 30
- Application of Insurance Act. **18.** This Act, and the new Company and the exercise of the powers hereby granted shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament, and in any respect in which any provision of this Act is inconsistent with those Acts the provisions made by those Acts shall prevail. 35
- Conflicting provisions.
- Application of the Companies Act. **19.** Part II of *The Companies Act*, except sections 125, 126, 134, 141, 158, 159 and 165 thereof, shall apply to the new Company, in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act*, or of any general Act relating to insurance passed during the present session of Parliament, or of this Act. 40
- R.S., c. 79.
- Commencement of Act. **20.** This Act shall not take effect unless and until 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 a special general meeting of the old Company duly called for the purpose of considering this Act; and, if so accepted 45

and approved of, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said vote.

2. Notice of such acceptance and approval and of the day so <sup>Publication</sup> fixed shall be published by the Company in *The Canada Gazette*.<sub>of notice.</sub>

EEE—2

THE SENATE OF CANADA.

**BILL**

**EEEE**

An Act respecting The British Northwestern  
Fire Insurance Company.

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Received and read a first time,

Wednesday, 6th April, 1910.

Second reading,

Friday, 8th April, 1910.

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Honourable Mr. WATSON.

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OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED APRIL 21, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL EEE.

An Act respecting The British Northwestern Fire Insurance Company.

**W**HEREAS, The British Northwestern Fire Insurance Com- Preamble.  
pany has by its petition represented that it was incor-  
porated by chapter 109 of the statutes of 1906 of the province  
of Manitoba under the name of "The Freehold Fire Insurance  
5 Company"; that by chapter 110 of the said statutes of 1906  
the name of the company was changed to "The Prince Rupert  
Fire Insurance Company"; that, by Order in Council of the  
province of Manitoba, dated twenty-ninth April, one thousand  
nine hundred and eight, the name of the company was again  
10 changed to "The British Northwestern Fire Insurance Com-  
pany"; that by an Act of the legislature of the province of  
Manitoba passed at the session held during the present year,  
one thousand nine hundred and ten, certain further amend-  
ments were made to the said Acts; and that the company has  
15 since the date of its incorporation carried on the business of  
fire insurance in the province of Manitoba; and whereas the  
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  
20 the Senate and House of Commons of Canada, enacts as fol-  
lows:—

1. The shareholders of the company mentioned in the pre- Incorporation.  
amble, hereinafter called "the old Company," together with  
such persons as become shareholders in the company incor-  
25 porated by this Act are hereby incorporated under the name of  
"The British Northwestern Fire Insurance Company" herein-  
after called "the new Company."

2. The capital stock of the new Company shall be two million Capital stock.  
dollars, and shall be divided into fifty thousand shares of forty  
30 dollars each.

Shares in old and new companies.

3. Each shareholder of the old Company is hereby declared to be the holder of as many shares in the new Company as the shares he holds in the old Company at the time this Act takes effect, with the same percentage paid on each such share in the new Company as shall then have been paid in upon each share held by him in the old Company. 5

Liability of shareholders in new company.

2. The liability of a shareholder of the new Company upon the said shares of the new Company so held by him shall amount per share only to the difference between the sum paid upon each share and forty dollars. 10

Liability of shareholders of old company to pay calls.

4. Nothing in this Act shall be so construed as to affect the liability of the shareholders of the old Company who have not paid the calls already made upon the shares of the old Company to pay the said calls.

Liability of shareholders of old company to creditors and policy-holders.

5. 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. 15

Acquisition of old company's assets.

6. The new Company may acquire all assets, rights, credits, effects and properties, real, personal, or mixed, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or may become entitled, subject, however, to existing mortgages or liens, if any; and in such case 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 such debts, liabilities, obligations and contracts of the old Company shall be a first charge on the said assets, rights, credits, effects and property belonging to the old Company and acquired by the new 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 and its shareholders, as such person has against the old Company and its shareholders: Provided, however, that the shareholders of the new Company shall not be individually liable, under section 150 of *The Companies Act*, with respect to their shares in the new Company, to such person, unless such person abandons his right in respect of the shares in the old Company. 20 25 30 35 40

Liability for old company's obligations.

As to individual liability of shareholders.

R.S., c. 79.

Calls on shares.

7. The directors may from time to time make such calls as they think fit upon the shareholders, in respect of all moneys unpaid on the shares 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: 45

Provided that no call shall exceed ten per cent and that not less than thirty days' notice of any call shall be given.

5 **8.** The president, vice-president and directors of the old Company shall be, respectively, the president, vice-president and directors of the new Company, until their successors are elected; and all by-laws, rules and regulations of the old Company not contrary to law nor inconsistent with this Act shall be by-laws, rules and regulations of the new Company until amended or repealed in pursuance of the provisions of this Act. Continuance  
of officers  
and by-laws.

10 **9.** The affairs of the new Company shall be managed by a board of not less than nine nor more than fifteen directors, as the by-laws prescribe, a majority of whom shall be a quorum. Directors.

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

15 **10.** 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 consideration and upon such modifications and restrictions and upon such conditions as are agreed upon between the new Company and the insured, and may generally carry on the business of fire insurance and the business of inland marine and inland transportation insurance as defined in *The Insurance Act* in all their branches and forms. Business.

20 2. The new Company may also cause itself to be insured against any risk it may have taken in the course of its business. R.S., c. 34.

25 3. The new Company may also undertake the reinsurance of the risks of other companies. Reinsurance  
Risks of  
other  
companies.

30 **11.** 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. Investment  
in foreign  
securities.

35 **12.** The new Company may acquire, hold, convey, mortgage, lease or otherwise dispose of any real property required in part or wholly for the purposes, use or occupation 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 Manitoba where it shall not exceed twenty thousand dollars. Real estate

**13.** The head office of the new Company shall be in the city of Winnipeg, in the province of Manitoba, but local advisory Head office.

Agencies.	boards or agencies may be established and maintained elsewhere in such manner as the directors from time to time direct.	
Annual meetings.	<b>14.</b> A general meeting of the new Company shall be held at the head office once in each year, and at such meeting a statement of the affairs of the new Company shall be submitted.	5
Special meetings.	2. Special general meetings may at any time be called by any five of the directors, and the directors, upon requisition of any twenty-five shareholders, shall call a special general meeting, and in either case the object of such meeting shall be specified in the notice calling the meeting.	10
Notice.	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 new Company.	15
Increase of capital before license.	<b>15.</b> Before obtaining the license required by <i>The Insurance Act</i> the subscribed capital of the new Company shall be increased to two hundred and fifty thousand dollars, and at least one hundred thousand dollars paid thereon into the funds of the new Company; and within three years after obtaining the said license an additional sum of one hundred thousand dollars shall be paid upon the capital stock of the new Company; but in no one year of the said three years shall the sum paid upon the capital stock be less than twenty-five thousand dollars.	20
	2. A license shall not be issued to the new Company, nor shall any license issued thereto be renewed, unless and until the Superintendent of Insurance has been satisfied, by such evidence as he may require, that the old Company is ceasing to do business nor unless and until such undertaking as he may require has been given that the old Company will totally cease so to do business within such reasonable delay as he may fix, which delay he may, for sufficient cause, extend from time to time.	25 30
Application of Insurance Act.	<b>16.</b> This Act and the new Company and the exercise of the powers hereby granted shall be subject to the provisions of <i>The Insurance Act</i> and of any general Act relating to insurance passed during the present session of Parliament, and in any respect in which this Act is inconsistent with those Acts the latter shall prevail.	35
Conflicting provisions.		
Application of the Companies Act. R.S., c. 79.	<b>17.</b> Part II of <i>The Companies Act</i> , except sections 125, 126, 134, 135, 141, 158, 159 and 165 thereof, shall apply to the new Company, in so far as the said Part is not inconsistent with any of the provisions of <i>The Insurance Act</i> , or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.	40

**18.** This Act shall not take effect unless and until accepted and approved of by a resolution passed by a vote of not less than three-fourths in value of the shareholders of the old Company present or represented by proxy at a special general meeting of the old Company duly called for the purpose of considering this Act; and, if so accepted and approved of, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said resolution.

Commence-  
ment of Act.

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

Publication  
of notice.







# THE SENATE OF CANADA.

## BILL FFF.

### An Act respecting The Guelph Junction Railway Company.

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

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1. Section 2 of chapter 64 of the statutes of 1901 is hereby repealed and the following is enacted in lieu thereof:—

2. The directors of the Company shall be six in number and shall consist of the Mayor of the city of Guelph for the time being and other five directors to be appointed by the council of the corporation of the city by by-law to be passed after the organization of the said council in each year. The said directors other than the Mayor shall be any alderman of the city and any *bona fide* ratepayer of the city, then having the necessary qualifications required of an alderman of the city."

2. Section 4 of the said chapter 64 is hereby repealed and the following is enacted in lieu thereof:—

4. The corporation of the city of Guelph may, subject to the laws of Ontario, acquire any shares in the Company not now standing in the name of the city. And the said corporation is hereby empowered and declared to be entitled to acquire the said shares of the Company's stock from the several persons in whose names such shares stand or may stand, and to have transfers thereof made by such persons respectively to the said corporation upon payment to such persons respectively of the sum of one hundred dollars in respect of each one share fully paid up, or of each ten shares upon which ten per cent only has been paid; and it shall be the duty of such persons respectively to transfer such shares to the said corporation accordingly."

3. The directors of the Company may agree with the said corporation to issue to the corporation paid up stock in the Company in exchange for and in satisfaction of the Company's bonds for one hundred and sixty-six thousand seven hundred and fifty dollars for principal money, and such sums in respect of interest and arrears of interest as may be agreed upon, now held by the said city against the Company, and which bonds

Preamble.  
1884, c. 79.  
1886, c. 69.  
1887, c. 59.  
1891, c. 73.  
1894, c. 75.  
1896  
(1st sess.),  
c. 19.  
1901, c. 64.  
1904, c. 82.

1901, c. 64,  
s. 2,  
amended.  
Directors.  
Number.  
Appointment.  
Qualification.

1901,  
c. 64, s. 4,  
amended.  
Powers of  
city of  
Guelph to  
acquire  
shares.

Issue of  
paid-up stock  
in exchange  
for bonds  
held by city  
of Guelph.

Cancellation  
of bonds.

Increase of  
capital stock.

1884,  
c. 79, s. 19,  
amended.

As to  
agreement  
with Quebec  
and Ontario  
Railway  
Company.

Assent of  
electors by  
by-law.

are overdue, and to have the said bonds, and the mortgage and obligations given to secure the same, cancelled and released. And the directors of the Company may by by-law increase the capital stock of the Company, and issue paid-up stock to the said corporation, and procure the cancellation and release of the said bonds, mortgage and obligations accordingly. 5

4. Section 19 of chapter 79 of the statutes of 1884 is hereby amended by adding thereto the following words at the end thereof:—

“Provided also, that no transaction by this clause authorized shall be valid, nor shall any sale or other disposition of any of the capital stock of the Company held or to be held by the corporation of the city of Guelph be valid unless there shall be passed a by-law or by-laws of the city council authorizing such transaction, sale or such other disposition, nor unless such by-law or by-laws shall have also received the assent of the electors of the said city of Guelph, entitled to vote on by-laws for the creation of debts, in manner provided by the municipal laws of the province of Ontario.” 15

THE SENATE OF CANADA.

BILL

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An Act respecting The Guelph Junction  
Railway Company.

Received and read a first time,

Thursday, 7th April, 1910.

Second reading,

Tuesday, 12th April, 1910.

Honourable Mr. GIBSON.

OTTAWA

Printed by C. H. PARRELLS

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED APRIL 22, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL FFF.

#### An Act respecting The Guelph Junction Railway Company.

**W**HEREAS The Guelph Junction Railway Company, hereinafter called "the Company", has, by its petition, prayed that it be enacted as hereinafter set forth, and has established, in effect, that the corporation of the city of Guelph holds, itself  
5 or by trustees on its behalf, all the shares in the capital stock of the Company except a few shares upon which five hundred dollars in all have been paid, which few shares were subscribed for by persons acting in that behalf as agents for the city, and  
10 that, with the exception of the said five hundred dollars, all the capital for the construction of the railway of the Company has been furnished by the city; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

15 **1.** Section 2 of chapter 64 of the statutes of 1901 is hereby repealed and the following is enacted in lieu thereof:—

"**2.** The directors of the Company shall be six in number and shall consist of the Mayor of the city of Guelph for the time being and other five directors to be appointed by the  
20 council of the corporation of the city by by-law to be passed after the organization of the said council in each year. The said directors other than the Mayor shall be any alderman of the city and any *bona fide* ratepayer of the city, then having the necessary qualifications required of an alderman of the city."

25 **2.** Section 4 of the said chapter 64 is hereby repealed and the following is enacted in lieu thereof:—

"**4.** The corporation of the city of Guelph may, subject to the laws of Ontario, acquire any shares in the Company not now standing in the name of the city. And the said corpora-

Preamble.  
1884, c. 79.  
1886, c. 69.  
1887, c. 59.  
1891, c. 73.  
1894, c. 75.  
1896  
(1st sess.),  
c. 19.  
1901, c. 64.  
1904, c. 82.

1901, c. 64,  
s. 2,  
amended.  
Directors.  
Number.  
Appointment.  
Qualification.

1901,  
c. 64, s. 4,  
amended.  
Powers of  
city of  
Guelph to  
acquire  
shares.

tion is hereby empowered and declared to be entitled to acquire the said shares of the Company's stock from the several persons in whose names such shares stand or may stand, and to have transfers thereof made by such persons respectively to the said corporation upon payment to such persons respectively of the sum of four hundred dollars in respect of each one share fully paid up, or of each ten shares upon which ten per cent only has been paid; and it shall be the duty of such persons respectively to transfer such shares to the said corporation accordingly." 5

Issue of paid-up stock in exchange for bonds held by city of Guelph.

3. The directors of the Company may agree with the said corporation to issue to the corporation paid up stock in the Company in exchange for and in satisfaction of the Company's bonds for one hundred and sixty-six thousand seven hundred and fifty dollars for principal money, and such sums in respect of interest and arrears of interest as may be agreed upon, now held by the said city against the Company, and which bonds are overdue, and to have the said bonds, and the mortgage and obligations given to secure the same, cancelled and released. And the directors of the Company may by by-law increase the capital stock of the Company, and issue paid-up stock to the said corporation, and procure the cancellation and release of the said bonds, mortgage and obligations accordingly. 10 15 20

Cancellation of bonds.

Increase of capital stock.

1884, c. 79, s. 19, amended.

4. Section 19 of chapter 79 of the statutes of 1884 is hereby amended by adding thereto the following words at the end thereof:— 25

As to agreement with Quebec and Ontario Railway Company.

"Provided also, that no transaction by this clause authorized shall be valid, nor shall any sale or other disposition of any of the capital stock of the Company held or to be held by the corporation of the city of Guelph be valid unless there shall be passed a by-law or by-laws of the city council authorizing such transaction, sale or such other disposition, nor unless such by-law or by-laws shall have also received the assent of the electors of the said city of Guelph, entitled to vote on by-laws for the creation of debts, in manner provided by the municipal laws of the province of Ontario." 30 35

Assent of electors by by-law.

## THE SENATE OF CANADA.

### BILL GGG.

An Act to incorporate The Buctouche Railway and  
Transportation Company.

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

1. Clinton T. Roe, of the city of New York, in the state of Incorporation.  
New York, one of the United States of America, Alexander P.  
Barnhill, William A. Ewing, Charles F. Sanford, and Joseph J.  
Porter, all of the city of Saint John, in the province of New  
10 Brunswick, together with such persons as become shareholders  
in the Company, are hereby incorporated under the name of  
“The Buctouche Railway and Transportation Company,” Corporate  
name.  
hereinafter called the Company.”
2. The persons named in Section 1 of this Act are constituted Provisional  
directors.  
15 provisional directors of the Company.
3. The capital stock of the Company shall be five hundred Capital.  
thousand dollars. No one call thereon shall exceed ten per  
cent, on the shares described.
4. The head office of the Company shall be at Buctouche, in Head office.  
20 the province of New Brunswick.
5. The annual meeting of the shareholders shall be held on Annual  
meeting.  
the first Thursday in June.
6. The number of directors shall not be less than five nor Directors.  
more than nine, one or more of whom may be paid directors.
- 25 7. The Company may lay out, construct and operate a rail- Route of  
railway.  
way, of the gauge of four feet eight and one-half inches, from  
Buctouche to a point on Richibucto Harbour at or near Richi-  
bucto, in the province of New Brunswick and from a point at  
or near West Point, in the province of Prince Edward Island  
30 to Coleman on the main line of the Prince Edward Island  
Railway.
8. The Company may, for the purposes of its undertaking, Vessels.  
construct, acquire, charter and dispose of steam and other  
vessels for the conveyance of trains, cars, passengers, goods and

Wharves and  
buildings.

merchandise, and navigate them between the harbours of Buctouche and Richibucto in New Brunswick, to and from the harbour at West Point in Prince Edward Island, and to and from other ports in Prince Edward Island and Nova Scotia, and ports outside of Canada; and construct, acquire, lease and dispose of wharves, docks, elevators, warehouses and other structures to be used to facilitate the carrying on of business in connection therewith. 5

Issue of  
securities.

9. The securities issued by the Company shall not exceed twenty thousand dollars per mile of the railways which the Company is authorized to construct or may acquire and may be issued only in proportion to the length of railway constructed or under contract to be constructed or acquired or to be acquired. 10

Issue of  
securities  
for other  
purposes  
than railway.

10. In addition to the securities authorized by section 9 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, from time to time at their discretion borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or other securities for the construction and acquisition of any of the vessels or works, other than the railway, which the Company is authorized to construct, acquire or operate; but such bonds, debentures, perpetual or terminable debenture stock or other securities shall not exceed in amount the value of such vessels and works. 15 20 25

Mortgages  
securing  
same.

2. For the purposes of securing the issue of such bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described in such mortgages. 30

R.S., c. 37.

3. All the provisions of sections 136 to 148, both inclusive, of *The Railway Act* shall, so far as they are applicable, apply to such bonds, debentures, debenture stock and other securities and mortgages. 35

Agreements  
with other  
companies.

R.S., c. 37.

11. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act* the Company may enter into agreements, for any of the purposes specified in the said section 361, with The Kent Northern Railway Company, The Buctouche and Rexton Railway Company and The Moncton and Buctouche Railway Company, or with any of the said companies; and subject to the said provisions may also enter into agreements for the said purposes with His Majesty in respect of the Prince Edward Island Railway, or with His Majesty in the said respect and all or any of the said companies. 40 45

Agreements  
with His  
Majesty as  
to P. E. I.  
railway.

THE SENATE OF CANADA.

BILL

GGG

An Act to incorporate The Buctouche  
Railway and Transportation Company.

Received and read a first time,

Thursday, 7th April, 1910.

Second reading,

Tuesday, 12th April, 1910.

Honourable Mr. THOMPSON.

OTTAWA

Printed by C. H. PARRETT

Printer to the King's most Excellent Majesty

1909-10

BILL AS PASSED APRIL 15, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL GGG.

An Act to incorporate The Buctouche Railway and  
Transportation Company.

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

Preamble.

**1.** Clinton T. Roe, of the city of New York, in the state of  
New York, one of the United States of America, Alexander P.  
Barnhill, William A. Ewing, Charles F. Sanford, and Joseph J.  
Porter, all of the city of Saint John, in the province of New  
10 Brunswick, together with such persons as become shareholders  
in the Company, are hereby incorporated under the name of  
“The Buctouche Railway and Transportation Company,”  
hereinafter called “the Company”.

Incorporation.

Corporate name.

**2.** The persons named in Section 1 of this Act are constituted  
15 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, on the shares described.

Capital.

**4.** The head office of the Company shall be at Buctouche, in  
20 the province of New Brunswick.

Head office.

**5.** The annual meeting of the shareholders shall be held on  
the first Thursday in June.

Annual meeting.

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

Directors.

**7.** The Company may lay out, construct and operate a rail-  
way, of the gauge of four feet eight and one-half inches, from  
25

Route of railway.

Buctouche to a point on Richibucto Harbour at or near Richibucto, in the province of New Brunswick and from a point at or near West Point, in the province of Prince Edward Island to Coleman on the main line of the Prince Edward Island Railway.

5

Vessels.

8. The Company may, for the purposes of its undertaking, construct, acquire, charter and dispose of steam and other vessels for the conveyance of trains, cars, passengers, goods and merchandise, and navigate them between the harbours of Buctouche and Richibucto in New Brunswick, to and from the harbour at West Point in Prince Edward Island, and to and from other ports in Prince Edward Island and Nova Scotia and ports outside of Canada; and construct, acquire, lease and dispose of wharves, docks, elevators, warehouses and other structures to be used to facilitate the carrying on of business in connection therewith.

Wharves and buildings.

Issue of securities.

9. The securities issued by the Company shall not exceed twenty thousand dollars per mile of the railways which the Company is authorized to construct or may acquire and may be issued only in proportion to the length of railway constructed or under contract to be constructed, or acquired or to be acquired.

Issue of securities for other purposes than railway.

10. In addition to the securities authorized by section 9 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, from time to time at their discretion borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or other securities for the construction and acquisition of any of the vessels or works, other than the railway, which the Company is authorized to construct, acquire or operate; but such bonds, debentures, perpetual or terminable debenture stock or other securities shall not exceed in amount the value of such vessels and works.

Mortgages securing same.

2. For the purposes of securing the issue of such bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described in such mortgages.

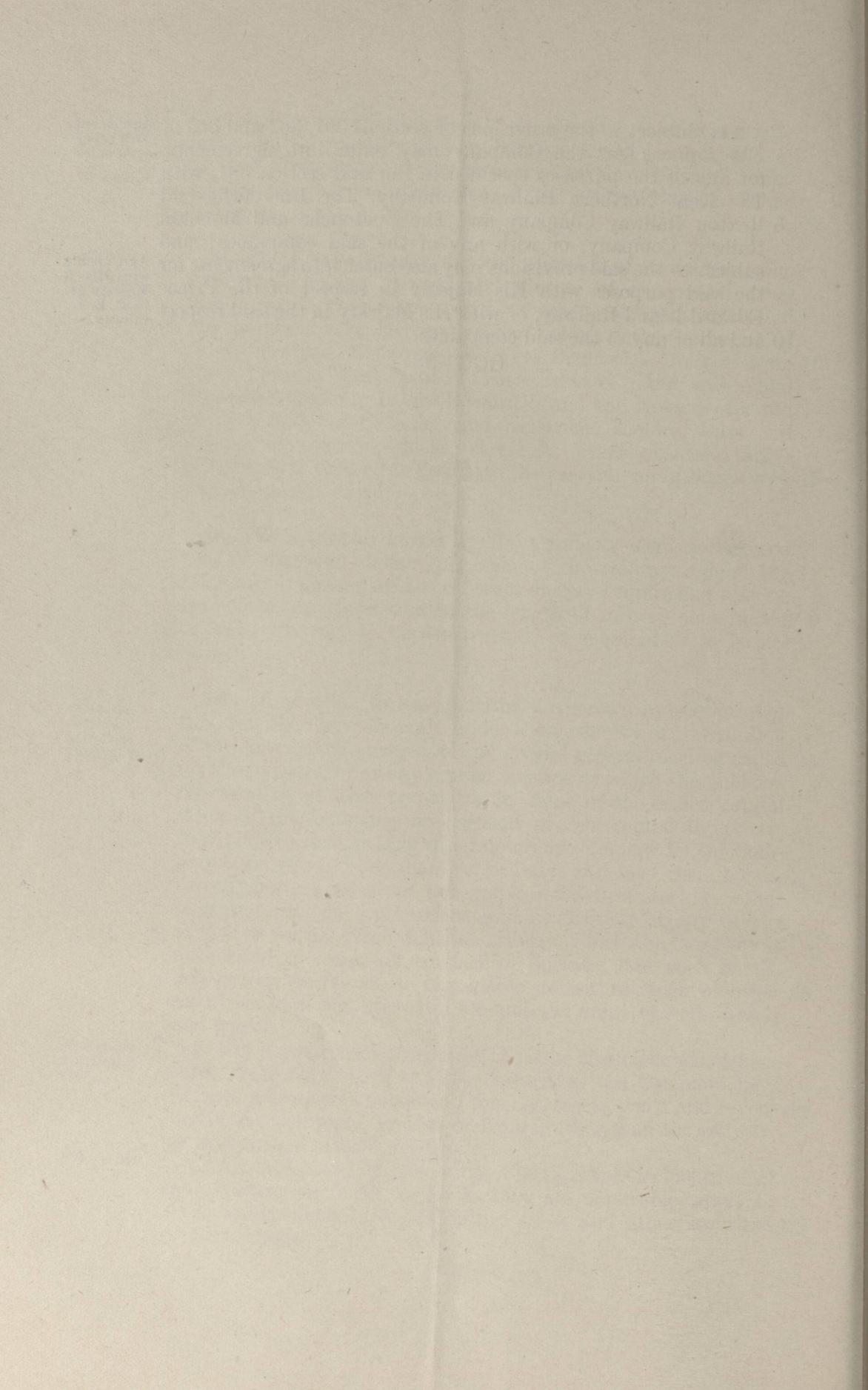
R.S., c. 37.

3. All the provisions of sections 136 to 148, both inclusive, of *The Railway Act* shall, so far as they are applicable, apply to such bonds, debentures, debenture stock and other securities and mortgages.

11. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act* the Company may enter into agreements, for any of the purposes specified in the said section 361, with The Kent Northern Railway Company, The Buctouche and Rexton Railway Company and The Buctouche and Moncton Railway Company, or with any of the said companies; and subject to the said provisions may also enter into agreements for the said purposes with His Majesty in respect of the Prince Edward Island Railway, or with His Majesty in the said respect and all or any of the said companies.

Agreements  
with other  
companies.  
R.S., c. 37.

Agreements  
with His  
Majesty as  
to P. E. I.  
railway.



## THE SENATE OF CANADA.

### BILL HHH.

An Act to incorporate The Alberta, Peace River and Eastern Railway Company.

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

- 1.** Alexander J. Millar of the town of Pembroke, Edward Hutton of the city of Montreal, Robert L. Snowball, Oliver E. Culbert and J. Ogle Carss, all of the city of Ottawa, together with such other persons as become shareholders in the Company, are hereby incorporated under the name of "The Alberta, Peace River and Eastern Railway Company, hereinafter called "the Company."
- 2.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.
- 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.
- 4.** The head office of the Company shall be in the city of Ottawa.
- 5.** The annual meeting of the shareholders shall be held on the first Tuesday in May.
- 6.** The number of directors shall not be less than five nor more than nine, one or more of whom may be paid directors.
- 7.** The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from a point on the line of The Alberta Railway and Irrigation Company in township three, range sixteen, west of the fourth meridian, in the province of Alberta; thence in a westerly direction to the town of Cardston; thence in a north-westerly direction to the town of Pincher Creek; thence in a northerly direction to a point at or near Cochrane on the line of The Canadian Pacific Railway Company; thence in a northerly direction to Peace River Landing; thence in an easterly direction to Fort McMurray; thence in an easterly and north-easterly

direction to Fort Churchill on Hudson Bay; and also a branch line in an easterly direction to Edmonton from the most convenient point between Cochrane and Peace River Landing.

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. 5

Agreements with other companies.  
R.S., c. 34.

9. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements, for any of the purposes specified in the said section 361, with The 10 Pincher Creek, Cardston and Montana Railway Company.

THE SENATE OF CANADA.

BILL

HHH

An Act to incorporate The Alberta, Peace River and Eastern Railway Company.

Received and read a first time,

Friday, 15th April, 1910.

Second reading,

Wednesday, 20th April, 1910.

Honourable Mr. WATSON.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED APRIL 22, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL HHH.

An Act to incorporate The Alberta, Peace River and Eastern Railway Company.

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

- 1.** Alexander J. Millar of the town of Pembroke, Edward Hutton of the city of Montreal, Robert L. Snowball, Oliver E. Culbert and J. Ogle Carss, all of the city of Ottawa, together with such other persons as become shareholders in the Company, are hereby incorporated under the name of "The Alberta, Peace River and Eastern Railway Company, hereinafter called "the Company."
- 2.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.
- 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.
- 4.** The head office of the Company shall be in the city of Ottawa.
- 5.** The annual meeting of the shareholders shall be held on the second Wednesday in September.
- 6.** The number of directors shall not be less than five nor more than nine, one or more of whom may be paid directors.

Preamble.

Incorporation.

Corporate name.

Provisional directors.

Capital stock.  
Calls.

Head office.

Annual meeting.

Number of 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 Alberta Railway and Irrigation Company in township three, range sixteen, west of the fourth meridian, in the province of Alberta; thence in a westerly direction to the town of Cardston; thence in a north-westerly direction to the town of Pincher Creek; thence in a northerly direction to a point at or near Cochrane on the line of The Canadian Pacific Railway Company; thence in a northerly direction to Peace River Landing; thence in an easterly direction to Fort McMurray; thence in an easterly and north-easterly direction to Fort Churchill on Hudson Bay; and also a branch line in an easterly direction to Edmonton from the most convenient point between Cochrane and Peace River Landing.

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. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements, for any of the purposes specified in the said section 361, with The Pincher Creek, Cardston and Montana Railway Company.

R.S., c. 34.

## THE SENATE OF CANADA.

### BILL III.

#### An Act for the relief of Emily Maud Nicoll.

**W**HEREAS Emily Maud Nicoll, presently residing at the city of Toronto, in the province of Ontario, wife of Arthur Frederick Nicoll, formerly of the said city, but now residing in the city of Spokane, in the state of Washington, one of the United States of America, real estate agent, has by her petition alleged, in effect, that they were lawfully married on the eleventh day of August, A.D. 1897, at the said city of Toronto, she then being Emily Maud Richardson, spinster; that the legal domicile of the said Arthur Frederick Nicoll was then and is now in Canada; that they lived together as man and wife at the said city of Toronto from the time of their said marriage until October, A.D. 1906; that during the said period he was guilty of cruelty and adultery and neglected to provide for the proper maintenance of her and the children born of the marriage; that in October, A.D. 1906, he deserted her and them and since then has failed entirely to provide for the support of her and them; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The said marriage between Emily Maud Richardson and Arthur Frederick Nicoll her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Marriage dissolved.

**2.** The said Emily Maud Richardson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Arthur Frederick Nicoll had not been solemnized.

Right to marry again.

THE SENATE OF CANADA.

BILL

III

An Act for the relief of Emily Maud Nicoll.

Received and read a first time,

Wednesday, 20th April, 1910.

Second reading,

Friday, 22nd April, 1910.

Honourable Mr. JAFFRAY.

BILL AS PASSED APRIL 26, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL III.

An Act for the relief of Emily Maud Nicoll.

**W**HEREAS Emily Maud Nicoll, presently residing at the city Preamble.  
of Toronto, in the province of Ontario, wife of Arthur  
Frederick Nicoll, formerly of the said city, but now residing in  
the city of Spokane, in the state of Washington, one of the  
5 United States of America, real estate agent, has by her petition  
alleged, in effect, that they were lawfully married on the eleventh  
day of August, A.D. 1897, at the said city of Toronto, she then  
being Emily Maud Richardson, spinster; that the legal domicile  
of the said Arthur Frederick Nicoll was then and is now in  
10 Canada; that they lived together as man and wife at the said  
city of Toronto from the time of their said marriage until Octo-  
ber, A.D. 1906; that during the said period he was guilty of  
cruelty and adultery and neglected to provide for the proper  
maintenance of her and the children born of the marriage; that  
15 in October, A.D. 1906, he deserted her and them and since then  
has failed entirely to provide for the support of her and them;  
that she has not connived at nor condoned the said adultery;  
that there has been no collusion directly or indirectly, between  
him and her in the proceedings for divorce; and whereas by her  
20 petition she has prayed for the passing of an Act dissolving her  
said marriage, authorizing her to marry again, and affording her  
such other relief as is deemed meet; and whereas the said allega-  
tions have been proved and it is expedient that the prayer of  
her petition be granted: Therefore His Majesty, by and with the  
25 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

1. The said marriage between Emily Maud Richardson and Marriage  
dissolved.  
Arthur Frederick Nicoll her husband, is hereby dissolved, and  
shall be henceforth null and void to all intents and purposes  
30 whatsoever.

2. The said Emily Maud Richardson may at any time here- Right to  
marry again.  
after marry any man whom she might lawfully marry if the said  
marriage with the said Arthur Frederick Nicoll had not been  
solemnized.



## THE SENATE OF CANADA.

### BILL JJJ.

An Act for the relief of Edna Shibley DeMar.

**W**HEREAS Edna Shibley DeMar, presently residing at the Preamble.  
city of Toronto, in the province of Ontario, wife of Clifford  
DeWitt DeMar, formerly of the said city of Toronto, presently  
residing at the city of Nigara Falls, in the state of New York,  
5 one of the United States of America, has by her petition alleged,  
in effect, that they were lawfully married on the second day of  
March, A.D. 1904, at the said city of Toronto she then being  
Edna Shibley Milligan, spinster; that the legal domicile of the said  
Clifford DeWitt DeMar was then and is now in Canada; that at  
10 the city of Hamilton, in the province of Ontario, on or about the  
tenth and eleventh days of December, A.D. 1909, he committed  
adultery with a woman whose name is unknown; that she  
has not connived at nor condoned the said adultery; that  
there has been no collusion directly or indirectly, between him  
15 and her in the proceedings for divorce; and whereas by her  
petition she has prayed for the passing of an Act dissolving her  
said marriage, authorizing her to marry again, and affording  
her such other relief as is deemed meet; and whereas the said  
allegations have been proved, and it is expedient that the prayer  
20 of her petition be granted: Therefore His Majesty, by and  
with the advice and consent of the Senate and House of Commons  
of Canada, enacts as follows:—

**1.** The said marriage between Edna Shibley Milligan and Marriage  
Clifford DeWitt DeMar her husband, is hereby dissolved, and dissolved.  
25 shall be henceforth null and void to all intents and purposes  
whatsoever.

**2.** The said Edna Shibley Milligan may at any time hereafter Right to  
marry any man whom she might lawfully marry if the said marry again.  
marriage with the said Clifford DeWitt DeMar had not been  
30 solemnized.

THE SENATE OF CANADA.

BILL

JJJ

An Act for the relief of Edna Shibley DeMar.  
DeMar.

Received and read a first time,

Wednesday, 20th April, 1910.

Second reading,

Friday, 22nd April, 1910.

Honourable Mr. JAFFRAY.

OTTAWA  
Printed by C. H. PARMELEE  
Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED APRIL 26, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL JJJ.

An Act for the relief of Edna Shibley DeMar.

**W**HEREAS Edna Shibley DeMar, presently residing at the Preamble.  
city of Toronto, in the province of Ontario, wife of Clifford  
DeWitt DeMar, formerly of the said city of Toronto, presently  
residing at the city of Niagara Falls, in the state of New York,  
5 one of the United States of America, has by her petition alleged,  
in effect, that they were lawfully married on the second day of  
March, A.D. 1904, at the said city of Toronto, she then being  
Edna Shibley Milligan, spinster; that the legal domicile of the said  
Clifford DeWitt DeMar was then and is now in Canada; that at  
10 the city of Hamilton, in the province of Ontario, on or about the  
tenth and eleventh days of December, A.D. 1909, he committed  
adultery with a woman whose name is unknown; that she  
has not connived at nor condoned the said adultery; that  
there has been no collusion directly or indirectly, between him  
15 and her in the proceedings for divorce; and whereas by her  
petition she has prayed for the passing of an Act dissolving her  
said marriage, authorizing her to marry again, and affording  
her such other relief as is deemed meet; and whereas the said  
allegations have been proved, and it is expedient that the prayer  
20 of her petition be granted: Therefore His Majesty, by and  
with the advice and consent of the Senate and House of Commons  
of Canada, enacts as follows:—

**1.** The said marriage between Edna Shibley Milligan and Marriage dissolved.  
Clifford DeWitt DeMar her husband, is hereby dissolved, and  
25 shall be henceforth null and void to all intents and purposes  
whatsoever.

**2.** The said Edna Shibley Milligan may at any time hereafter Right to marry again.  
marry any man whom she might lawfully marry if the said  
marriage with the said Clifford DeWitt DeMar had not been  
30 solemnized.



## THE SENATE OF CANADA.

### BILL KKK.

An Act for the relief of Clifford Buell Lillie.

WHEREAS Clifford Buell Lillie, of the village of Athens, in <sup>Preamble.</sup>  
the county of Brockville, in the province of Ontario,  
dentist, has by his petition alleged, in effect, that on the twelfth  
day of November, A.D. 1896, at the town of Morristown, in the  
5 state of New York, one of the United States of America, he was  
lawfully married to Leah Ann Addison, that she was then of the  
city of New York, in the said state of New York, a spinster;  
that his legal domicile was then and is now in Canada; that at  
the said village of Athens, in or about the month of September,  
10 A.D. 1900, she committed adultery with one John Wilbridge  
McDowell; that at Charleston Lake, in the said county of Brock-  
ville, in the month of July, A.D. 1907, she committed adultery  
with one Lennius Bates; that he has not connived at nor con-  
15 doned the said adultery; that there has been no collusion,  
directly or indirectly, between him and her in the proceedings  
for divorce; and whereas by his petition he has prayed for the  
passing of an Act dissolving his said marriage, authorizing him  
to marry again, and affording him such other relief as is deemed  
meet; and whereas the said allegations have been proved, and  
20 it is expedient that the prayer of his petition be granted: There-  
fore His Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Clifford Buell Lillie and Leah <sup>Marriage</sup>  
Ann Addison, his wife, is hereby dissolved, and shall be hence- <sup>dissolved.</sup>  
25 forth null and void to all intents and purposes whatsoever.

2. The said Clifford Buell Lillie may at any time hereafter <sup>Right to</sup>  
marry any woman he might lawfully marry if the said marriage <sup>marry again.</sup>  
with the said Leah Ann Addison had not been solemnized.

THE SENATE OF CANADA.

BILL

KKK

An Act for the relief of Clifford Buell  
Lillie.

Received and read a first time,

Friday, 22nd April, 1910.

Read a second time,

Friday, 22nd April, 1910.

Honourable Mr. DERRYSHIRE.

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty

1909-10

BILL AS PASSED APRIL 26, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL KKK.

An Act for the relief of Clifford Buell Lillie.

**W**HEREAS Clifford Buell Lillie, of the village of Athens, in the county of Brockville, in the province of Ontario, dentist, has by his petition alleged, in effect, that on the twelfth day of November, A.D. 1896, at the town of Morristown, in the state of New York, one of the United States of America, he was lawfully married to Leah Ann Addison, that she was then of the city of New York, in the said state of New York, a spinster; that his legal domicile was then and is now in Canada; that at the said village of Athens, in or about the month of September, A.D. 1900, she committed adultery with one John Wilbridge McDowell; that at Charleston Lake, in the said county of Brockville, in the month of July, A.D. 1907, she committed adultery with one Lennius Bates; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The said marriage between Clifford Buell Lillie and Leah Ann Addison, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Marriage dissolved.

**2.** The said Clifford Buell Lillie may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Leah Ann Addison had not been solemnized.

Right to marry again.



## THE SENATE OF CANADA.

### BILL LIII.

An Act for the relief of Roland James Botterill.

**W**HEREAS Roland James Botterill, of the township of Gains-  
boro, in the county of Lincoln, in the province of Ontario,  
farmer, has by his petition alleged, in effect, that on the twenty-  
fifth day of June, A.D. 1895, at the village of Grimsby, in the  
5 province of Ontario, he was lawfully married to Maria Fisher;  
that she was then of the said township of Gainsboro, a spinster;  
that his legal domicile was then and is now in Canada; that in  
or about the month of June, A.D. 1896, she deserted him;  
that on or about the twenty-eighth day of December, A.D.  
10 1909, she was living at the city of Niagara Falls, in the province  
of Ontario, with one James Murray as the wife of the said  
Murray, and thereby committed adultery; that he has not  
connived at nor condoned the said adultery; that there has  
been no collusion directly or indirectly, between him and her  
15 in the proceedings for divorce; and whereas by his petition he  
has prayed for the passing of an Act dissolving his said mar-  
riage, authorizing him to marry again, and affording him such  
other relief as is deemed meet; and whereas the said allegations  
have been proved, and it is expedient that the prayer of his  
20 petition be granted: Therefore His Majesty, by and with the  
advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

**1.** The said marriage between Roland James Botterill and  
Maria Fisher, his wife, is hereby dissolved, and shall be hence-  
25 forth null and void to all intents and purposes whatsoever.

**2.** The said Roland James Botterill may at any time here-  
after marry any woman he might lawfully marry if the said  
marriage with the said Maria Fisher had not been solemnized.

THE SENATE OF CANADA.

BILL

LLL

An Act for the relief of Roland James Botterill.

Received and read a first time,

Friday, 22nd April, 1910.

Read a second time,

Friday, 22nd April, 1910.

Honourable Mr. DERRYSHIRE.

OTTAWA

Printed by C. H. PARRELL

Printer to the King's most Excellent Majesty

1909-10

BILL AS PASSED APRIL 26, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

## THE SENATE OF CANADA.

### BILL LIII.

An Act for the relief of Roland James Botterill.

**W**HEREAS Roland James Botterill, of the township of Gains-  
 boro, in the county of Lincoln, in the province of Ontario,  
 farmer, has by his petition alleged, in effect, that on the twenty-  
 fifth day of June, A.D. 1895, at the village of Grimsby, in the  
 5 province of Ontario, he was lawfully married to Maria Fisher;  
 that she was then of the said township of Gainsboro, a spinster;  
 that his legal domicile was then and is now in Canada; that in  
 or about the month of June, A.D. 1896, she deserted him;  
 that on or about the twenty-eighth day of December, A.D.  
 10 1909, she was living at the city of Niagara Falls, in the province  
 of Ontario, with one James Murray as the wife of the said  
 Murray, and thereby committed adultery; that he has not  
 connived at nor condoned the said adultery; that there has  
 been no collusion directly or indirectly, between him and her  
 15 in the proceedings for divorce; and whereas by his petition he  
 has prayed for the passing of an Act dissolving his said mar-  
 riage, authorizing him to marry again, and affording him such  
 other relief as is deemed meet; and whereas the said allegations  
 have been proved, and it is expedient that the prayer of his  
 20 petition be granted: Therefore His Majesty, by and with the  
 advice and consent of the Senate and House of Commons of  
 Canada, enacts as follows:—

Preamble.

**1.** The said marriage between Roland James Botterill and  
 Maria Fisher, his wife, is hereby dissolved, and shall be hence-  
 25 forth null and void to all intents and purposes whatsoever.

Marriage  
dissolved.

**2.** The said Roland James Botterill may at any time here-  
 after marry any woman he might lawfully marry if the said  
 marriage with the said Maria Fisher had not been solemnized.

Right to  
marry again.



## THE SENATE OF CANADA.

### BILL MMM.

An Act for the relief of James Alexander Hurst Forster.

**W**HEREAS James Alexander Hurst Forster, of the city of <sup>Preamble.</sup> Winnipeg, in the province of Manitoba, buyer, has by his petition alleged, in effect, that on the fifth day of May, A.D. one thousand nine hundred, at the city of Toronto, in the  
5 province of Ontario, he was lawfully married to Nellie Jane Eaton; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that at  
10 the city of Winnipeg, in the province of Manitoba, at divers times during the year A.D. one thousand nine hundred and six, she committed adultery with one Frederick Gilroy; that at the  
15 said city of Winnipeg, in or about the month of April, A.D. one thousand nine hundred and seven, she committed adultery with one Alexander Macgregor; that he has not connived at nor condoned the said adultery; that there has been no collusion,  
20 directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and  
it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The said marriage between James Alexander Hurst <sup>Marriage dissolved.</sup> Forster and Nellie Jane Eaton, his wife, is hereby dissolved,  
25 and shall be henceforth null and void to all intents and purposes whatsoever.

**2.** The said James Alexander Hurst Forster may at any time <sup>Right to marry again.</sup> hereafter marry any woman he might lawfully marry if the said marriage with the said Nellie Jane Eaton had not been solemnized.

THE SENATE OF CANADA.

BILL

MMM

An Act for the relief of James Alexander Hurst Forster.

Received and read a first time,

Tuesday, 26th April, 1910.

Read a second time,

Tuesday, 26th April, 1910.

Honourable Mr. DEVEBER.

BILL AS PASSED APRIL 27, 1910.

THE SENATE OF CANADA.

BILL MMM.

An Act for the relief of James Alexander Hurst Forster.

**W**HEREAS James Alexander Hurst Forster, of the city of Preamble.  
 Winnipeg, in the province of Manitoba, buyer, has by his  
 petition alleged, in effect, that on the fifth day of May, A.D.  
 one thousand nine hundred, at the city of Toronto, in the  
 5 province of Ontario, he was lawfully married to Nellie Jane  
 Eaton; that she was then of the said city of Toronto, a spinster;  
 that his legal domicile was then and is now in Canada; that at  
 the city of Winnipeg, in the province of Manitoba, at divers  
 times during the year A.D. one thousand nine hundred and six,  
 10 she committed adultery with one Frederick Gilroy; that at the  
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 one thousand nine hundred and seven, she committed adultery  
 with one Alexander Macgregor; that he has not connived at nor  
 condoned the said adultery; that there has been no collusion,  
 15 directly or indirectly, between him and her in the proceedings  
 for divorce; and whereas by his petition he has prayed for the  
 passing of an Act dissolving his said marriage, authorizing him  
 to marry again, and affording him such other relief as is deemed  
 meet; and whereas the said allegations have been proved, and  
 20 it is expedient that the prayer of his petition be granted: There-  
 fore His Majesty, by and with the advice and consent of the Senate  
 and House of Commons of Canada, enacts as follows:—

**1.** The said marriage between James Alexander Hurst Marriage dissolved.  
 Forster and Nellie Jane Eaton, his wife, is hereby dissolved,  
 25 and shall be henceforth null and void to all intents and purposes  
 whatsoever.

**2.** The said James Alexander Hurst Forster may at any time Right to marry again.  
 hereafter marry any woman he might lawfully marry if the said  
 marriage with the said Nellie Jane Eaton had not been solemnized.



As Reported, 27th April, 1910, by The Standing Committee on Civil Service Administration.

2nd Session, 11th Parliament, 9-10 Edward VII., 1910.

## THE SENATE OF CANADA.

### BILL NNN.

An Act to provide for the cases of certain Persons ceasing to be employed in the Public Service of Canada.

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

#### PRELIMINARY.

1. This Act may be cited as *The Civil Service Superannuation Act*, 1910. Short title.

2. In this Act, unless the context precludes such construction, "Civil Service" includes and consists of:— Definitions.  
Civil Service.

(a) all officers, clerks and employees in or under the several departments of the executive government who are employed continuously and to whom *The Civil Service Act* and *The Civil Service Amendment Act*, 1908, apply;

(b) all officers, clerks and employees of the outside division of the Civil Service as heretofore recognized, to whom *The Civil Service Act*, 1908 does not apply, and who are employed continuously in established capacities;

(c) such other officers, clerks and employees in or under the several departments of the executive government as are employed continuously in established capacities, including, amongst others, the civil engineers attached to the various departments of the government;

(d) the permanent officers and servants of the Senate and the House of Commons, and the permanent officers and servants employed in the Library of Parliament:

Provided that the Civil Service, for the purposes of this Act, does not include any person who is subject to the provisions of *The Judges Act*, chapter 138 of the Revised Statutes, of *The Militia Pension Act*, chapter 42 of the Revised Statutes, of Part II or Part III of *The Royal North-West Mounted Police Act*, chapter 91 of the Revised Statutes, or of *The Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act*, chapter 22 of the Statutes of 1907, nor any person who is a beneficiary under any fund to which public moneys of Canada are directly contributed. Proviso.

"Civil Servant" means a member of the Civil Service as hereinbefore defined. Civil servant.

- Contributor. "Contributor" means a civil servant who contributes under this Act to the Consolidated Revenue Fund of Canada.
- Salary. "Salary" of a contributor means the salary or wages paid in respect of his service, but does not include allowance or payment for overtime or other extra allowance or pay; 5
- Application of Act. **3.** This Act applies to all persons becoming members of the Civil Service after the date of its passing.  
 2. It also applies to all persons who became members of the Civil Service as then constituted between the first day of July, one thousand eight hundred and ninety-eight, and the date of 10 its passing.  
 3. Subject to the limitations and conditions hereinafter contained, it applies to all members of the Civil Service, as hereinbefore defined, as constituted at the date of its passing, who duly elect to become contributors under its provisions. 15
- Election to become contributor. **4.** A member of the Civil Service who elects to become a contributor under the provisions of this Act shall give notice in writing of such election to the Secretary of the Treasury Board within six months after the coming into operation of this Act.  
 2. A member who so elects shall, as from the date of such 20 notice, be a contributor and shall, subject to the provisions of this Act, be entitled to all its benefits.  
 3. A member of the Service who does not elect to become a contributor or who does not give the notice aforesaid shall not at any future time become a contributor or share in the benefits 25 of this Act, except on payment of a sum computed in the manner prescribed by regulations and on such conditions as the Treasury Board determines; but he shall continue to be entitled to the same rights and subject to the same liabilities as if this Act had not been passed. 30
- Non-contributors not affected.
- Doubtful cases. **5.** In any case of doubt the Governor in Council may, by general or special regulations not inconsistent herewith, determine to what persons the provisions of this Act do or do not apply, and the conditions on which, and the manner in which, they shall apply in any case or class of cases. 35

## SUPERANNUATION ALLOWANCES AND GRATUITIES.

- Beneficiaries. **6.** The Governor in Council may grant a superannuation allowance not exceeding the allowance hereinafter authorized to any person who has served in an established capacity in the Civil Service for ten years or upwards, and who has attained the age of sixty years or become incapacitated by bodily in- 40 firmity from properly performing his duties.  
 2. The superannuation of any person to whom this Act applies shall not be deferred beyond the attainment by such person of the age of seventy years.
- No service after 70.
- Certain periods not counted. **7.** If the service has not been continuous, the period or 45 periods during which such service has been discontinued shall not be included in the term.

**8.** The superannuation of every civil servant to whom the provisions of this Act apply shall be proceeded by an inquiry by the Treasury Board,—

Inquiry by  
Treasury  
Board.

(a) Whether the person it is proposed to superannuate is eligible within the meaning of this Act; and

(b) Whether the superannuation of such person will result in benefit to the service, and is therefore in the public interest; or

(c) Whether superannuation has become necessary in consequence of the mental or physical infirmity of such person or by reason of such person having reached the age of seventy years.

**9.** Every contributor whose age is not less than sixty-five years may at any time retire from the Civil Service at the expiration of three months' notice, given in writing to the Secretary of the Treasury Board, of his or her intention so to do, and shall thereupon be entitled to superannuation.

Voluntary  
retirement  
after 65.

**10.** No civil servant shall be superannuated unless the Treasury Board reports that he is eligible within the meaning of this Act; and no civil servant who is less than sixty-five years of age shall be superannuated unless the Treasury Board reports in addition that such superannuation will be in the public interest.

No super-  
annuation  
without  
report of  
Treasury  
Board.

**11.** The superannuation allowance hereinbefore mentioned shall be calculated upon the average yearly salary, during the last three years of service, of the person to whom such allowance is to be made, and shall not exceed, if the person has served for ten years, but less than ten and one-half years, an annual allowance of ten-fiftieths of such average salary, and if he has served for ten and one-half, but less than eleven and one-half years, an annual allowance of eleven-fiftieths thereof, and in like manner a further addition of one-fiftieth of such average salary for each additional year of service, similarly reckoned, up to thirty-five years, when an allowance of thirty-five-fiftieths may be granted; but no addition shall be made for any service beyond thirty-five years.

Amount of  
retiring  
allowance,  
how  
ascertained.

**12.** The Governor in Council may, in the case of any person who entered the Civil Service after the age of thirty-five years, as being possessed of some peculiar professional or other qualifications or attainments required for the office to which he was appointed, and not ordinarily to be acquired in the public service, add to the actual number of years of service of such person, such further number of years not exceeding ten as is considered equitable, for reasons stated in the order in council made in the case, and such additional number of years shall be taken as part of the term of service on which the superannuation allowance of such person shall be computed: Provided that in such case a deduction at the rate of five per centum of the salary of such person for each of the years so added shall be made from the retiring allowance of such civil servant for as many years as are added to his actual term of service; unless he sooner makes good such deficiency.

Addition to  
actual service  
in certain  
cases.

Proviso.

Reduction  
in case of  
undeservin  
servant.

**13.** If the head of a department reports with respect to any person employed in his department, and about to be superannuated from any cause other than that of ill-health or age, that the service of such person has not been satisfactory, the Governor in Council may, as to him seems fit, grant such person a superannuation allowance less than that to which he would otherwise have been entitled. 5

Premature  
retirement,  
through  
infirmity or  
injury.

**14.** If any person to whom this Act applies is constrained, from any infirmity of body or mind, to quit the Civil Service before the period at which a superannuation allowance might be granted him, the Governor in Council may allow him a gratuity not exceeding one month's pay for each year of his service; and if any such person is so constrained to quit the service before such period, by reason of severe bodily injury, received without his own fault, in the discharge of his public duty, the Governor in Council may allow him a gratuity not exceeding three months' pay for every two years' service, or a superannuation allowance not exceeding one-fifth of his average salary during the then last three years. 10 15

Retirement  
for improve-  
ment of  
service.

**15.** If any person to whom this Act applies is removed from office in consequence of the abolition of his office for the purpose of improving the organization of the department to which he belongs, or is removed or retired from office to promote efficiency or economy in the Civil Service, the Governor in Council may, as compensation for his loss of office, grant such person, if his term of office is less than ten years, a gratuity not exceeding three months' pay for every two years' service; and if such person's term of office is ten years but less than twenty-five years, the Governor in Council may grant him, in addition to the superannuation allowance to which his term of service entitles him, a gratuity not exceeding one month's pay for each year's service; but no gratuity or compensation other than the superannuation allowance to which his term of service entitles him, shall be granted to any person whose term of office is twenty-five years or upwards. 20 25 30 35

Temporary  
service may  
count.

**16.** In the case of a civil servant, appointed before the coming into force of this Act, who previous to his appointment as a permanent member of the Civil Service had served for a year or more in a temporary capacity and who elects to become a contributor under this Act, the time spent in such temporary capacity may be taken into account in calculating such servant's superannuation allowance, the deficiency in deduction from his salary being made good as hereinafter provided. 40

Retirement  
compulsory.

**17.** Retirement shall be compulsory on every person to whom the superannuation allowance hereinbefore mentioned is offered, and such offer shall not be considered as implying any censure upon the person to whom it is made; nor shall any person be considered as having any absolute right to such allowance, but it shall be granted only in consideration of good and faithful service during the time in respect of which it is calculated. 45 50

18. Nothing herein contained shall be understood as impairing or affecting the right of the Governor in Council to dismiss or remove any person from the Civil Service. Governor may dismiss servant.

19. In the event of the death before superannuation of any person to whom this Act applies, such person being at the time of his death a contributor under the provisions of section 27 of this Act, or having so contributed for or during thirty-five years of service and leaving no widow nor any children below the age of eighteen years surviving him, the Governor in Council may, on the recommendation of the Treasury Board, pay to the heirs or personal representatives of such person the whole, or such portion as is deemed expedient, of the amount so contributed by such person. Death of contributor leaving no widow nor children.

2. The Governor in Council may, on the recommendation of the Treasury Board, pay to any person dismissed from the public service of Canada after the first day of July, one thousand nine hundred and ten, who at the time of such dismissal was contributing under the provisions of such section 27, or who had so contributed for or during thirty-five years of service, the whole, or such portion as is deemed expedient, of the amount so contributed by such person. Dismissed servant.

20. Nothing in the last preceding section contained shall be construed to confer upon any person any right to demand or enforce the repayment of any amount contributed by such deceased or dismissed person, or any interest thereon, and all payments made under the preceding section shall be wholly in the discretion of the Governor in Council. Payments discretionary.

21. Every person who receives a superannuation allowance, and is under the age of sixty-five years, and is not disabled by bodily or mental infirmity, may be called upon to fill, in any part of Canada, any public office or situation for which his previous services render him eligible, and which is not lower in rank or emolument than that from which he retired; and if he refuses or neglects so to do, he shall forfeit his said allowance. Pensioner under 65 may be recalled.

#### PROVISION FOR WIDOWS AND CHILDREN.

22. Subject to the provisions hereinafter contained, the Governor in Council may, on the recommendation of the Treasury Board, grant an annual allowance for life to the widow, and an annual allowance until attainment of the age of eighteen to each of the children of any civil servant to whom this Act applies, who at the time of his death was either actively employed in the public service of Canada, or was in receipt of a superannuation allowance. Allowances to widow and children.

23. Such annual allowance shall not be granted in the following cases:— When not granted.

45 (a) If the person to whom it is proposed to grant the allowance is, in the opinion of the Treasury Board, unworthy of it;

(b) If the civil servant married after being superannuated;

(c) If the civil servant was at the time of his marriage over sixty years of age;

(d) In the case of a civil servant who married after the first day of July, one thousand nine hundred and ten, if he was more than twenty years older than his wife;

(e) If the civil servant died within one year after his marriage; unless he was manifestly in good health at the time of his marriage, and his death was caused by disease or injury not due to causes within his own control, and the Treasury Board is satisfied that there are no other objections to the granting of the allowance. 5

Widow's allowance one half of contributor's.

**24.** The annual allowance to the widow of a civil servant shall be one half of the yearly superannuation allowance which the civil servant was in receipt of, or to which he would have been entitled, as the case may be; and the yearly allowance to a child under eighteen years of age shall be one hundred dollars: Provided, however, that the total amount paid during any one year to the widow and children of a civil servant shall not exceed the annual superannuation allowance which the civil servant was in receipt of, or to which he would have been entitled, as the case may be. 10 15

Each child \$100.  
Proviso.

Case of motherless child.

2. The limitation to one hundred dollars a year contained in subsection one of this section to the contrary notwithstanding, there may be granted to the child of a civil servant, if such child is motherless and, in the opinion of the Treasury Board, in great need, an annual allowance not exceeding two hundred dollars, which in the case of a daughter may be continued until she attains the age of twenty-one years or marries, whichever shall first happen. 20 25

Gratuities to widows in certain cases.

3. In the event of a civil servant dying before the period at which a superannuation allowance might be granted him under the terms of this Act, the Governor in Council may allow his widow a gratuity not exceeding one month's pay for each year of his service. 30

Allowance when discontinued.  
Marriage of widow.

**25.** A widow's or a child's allowance shall be discontinued if such widow or child becomes unworthy of it.

2. If a widow remarries, her allowance shall cease from the day following that of her remarriage; but in the event of her again becoming a widow her pension may be restored, if she is otherwise qualified. 35

Disposal of contribution if no widow.

**26.** If a contributor leaves no widow, the amount of his contributions to the Consolidated Revenue Fund, less any sums which he has received out of the fund in his lifetime, and less any sums which have been paid or may become payable in the future to or on behalf of any child or children under the foregoing provisions, shall be paid to the personal representatives of such deceased contributor, in trust for the persons entitled thereto under his will, or, in case of intestacy, for the next of kin or other persons entitled to his estate under the Statutes of Distribution. 40 45

#### CONTRIBUTIONS.

Deduction from salary.

**27.** A deduction, towards making good the allowances hereinbefore provided for, shall be made, in conformity with the 50

following provisions, from the salary or pay of every person to whom this Act applies.

2. In the case of a civil servant appointed after this Act comes into force, such deduction shall be five per centum of his yearly salary.

Of servant appointed under this Act.

3. In the case of a civil servant appointed before the coming into force of this Act and after the first day of July, one thousand eight hundred and ninety-eight, to whom the provisions of Part II of the Civil Service Superannuation and Retirement Fund Act, chapter 17 of the Revised Statutes, apply, there shall be a like deduction of five per centum of his salary; and any sums paid by such civil servant into the Retirement Fund provided for in said Part II, before his becoming subject to the provisions of this Act, shall be deemed to have been paid, and such payment shall have the like effect as if this Act had gone into force on the first day of July, one thousand eight hundred and ninety-eight.

Of servant appointed under Act of 1898.

4. In the case of a civil servant appointed before the said first day of July, one thousand eight hundred and ninety eight, and who has contributed regularly to the Consolidated Fund under the provisions of Part I of the Civil Service Superannuation and Retirement Act aforesaid, there shall be a like deduction of five per centum of his salary from and after the date of his coming under the provisions of this Act; and the additional deduction to be made shall be ascertained as follows: The aggregate amount of pay received by him before his coming under the provisions of this Act shall be divided by twenty, to show the amount which he would have paid had this Act been in operation in his regard from the time of his entering the service; the sum to his credit in the superannuation account shall be subtracted from such amount; and the balance shall be the sum payable by him at the time of his coming under the provisions of this Act. Such sum shall be divided by the number of years of his previous service, and the sum represented by the quotient shall be deducted in each year from his superannuation allowance; and such deduction shall continue to be made until the whole of such balance has been paid up or payment of such allowance has ceased, whichever shall first happen: Provided that if the civil servant sees fit, such balance may be made good by him in one or more payments, without waiting until such last mentioned deductions become payable.

Of servant appointed under former Superannuation Act.

Proviso.

5. In the case of a civil servant appointed before the coming into force of this Act, who has not contributed under the Superannuation Act or under the Civil Service Retirement Act of 1898, and who elects to come under the provisions of this Act, there shall be a like deduction of five per centum of his salary from and after the date of his coming under the said provisions; and if he becomes entitled to a pension and the deduction from his salary hereby provided for has not been made for as great a number of years as that upon which his pension is based, the aggregate amount of salary received by him during the years for which no deduction has been made shall be divided by the number of such years for the purpose of ascertaining the average salary of such servant during such years, and a yearly deduction amounting to five per centum upon such average salary shall be made from the retiring allowance of such servant; and such deduction shall continue to be made until the expiration of the

Case of servant who has not contributed.

number of years last mentioned or the cessation of the payment of the pension whichever shall first happen: Provided that, if such servant sees fit, the deficiency in deduction may be made good by him in one or more payments before such last mentioned deductions become payable. 5

Case where part of service has been temporary.

6. In the case of a civil servant appointed before the coming into operation of this Act who, previous to his appointment as a permanent member of the civil service, had served for a year or more in a temporary capacity and who elects to become a contributor under this Act, the time spent in such temporary capacity may be taken into account in calculating such servant's superannuation allowance, a deduction of five per centum of his average pay for each year of such temporary employment being made from his retiring allowance; unless he sees fit to make good the deficiency in one or more payments before such deduction becomes payable. 10 15

Deduction for not more than 35 years. Deductions placed in Consolidated Fund.

7. The deductions mentioned in this section shall in no case be made for more than thirty-five years of service.

8. The sums deducted under this section shall form part of the Consolidated Revenue Fund of Canada. 20

#### MISCELLANEOUS.

Superannuation account to be kept.

**28.** An account shall be kept, to be called the Civil Service Superannuation Account, Number Three, of all amounts received and paid out under the provisions of this Act; and the balance to the credit of the said account at the end of any fiscal year shall be at least equal to the present value of the prospective allowances and gratuities granted or grantable to persons subject, at the end of such fiscal year, to the provisions of this Act; such present value to be ascertained upon the basis of such standard or other tables of mortality as are, in the opinion of the Governor in Council, appropriate, and a rate of interest not exceeding four per centum per annum. 25 30

Deficiency, how made good.

2. Any deficiency shall be made good by the Minister of Finance out of the Consolidated Revenue, without further appropriation than this Act.

Statements to be submitted to Parliament.

**29.** The Minister of Finance shall lay before Parliament within fifteen days after the commencement of each session thereof— 35

(a) a statement of all superannuations and retiring allowances within the year granted under the terms of this Act, giving the name and rank of each person superannuated or retired, his salary, age and length of service, the allowance granted to him on retirement, the cause of his superannuation and whether the vacancy has been subsequently filled, and if so, whether by promotion or by new appointment, and the salary of the new incumbent; 40 45

(b) a statement of all allowances granted to widows and children of civil servants under this Act within the year, showing the name, age and sex of each person to whom any such allowance has been granted; and the name, age at death, salary and length of service of the civil servant to whose dependents such allowance or allowances have been granted; 50

(c) a statement showing the condition of the Civil Service Superannuation Account, Number Three, at the end of the last preceding fiscal year.

**30.** The order in council made in any case of superannuation, 5 or of granting an allowance, shall be laid before parliament at its then current or next ensuing session. Orders laid before Parliament.

**31.** If after the passing of this Act, a person in receipt of a superannuation allowance is appointed to the Senate of Canada or is elected a member of the House of Commons, such allowance 10 shall forthwith be discontinued and shall not be renewed so long as such person is a member of either House of Parliament. No allowance to Senator or M.P.

**32.** In no case shall any retiring allowance, or other moneys granted or payable to any person under this Act, be in any way assigned or charged to pass to any other person by opera- 15 tion of law; nor shall any moneys payable on the death of a contributor be assets for the payment of his debts or liabilities. Moneys not assignable nor liable for debts.

**33.** The Governor in Council may make such regulations and orders as may be deemed necessary or expedient for the purpose of effectually carrying out the provisions of this Act or of supply- 20 ing any omissions therein or removing any doubt as to its true intent and meaning. Act may be supplemented by regulations.

2. Every such regulation or order shall be laid before both Houses of Parliament within fifteen days of its adoption or passing, if Parliament be then in session, and otherwise within 25 the first fifteen days of the next ensuing session. Which shall be laid before Parliament.

**34.** This Act shall come into force on the first day of July, A.D. 1910. When Act to begin.

As Reported, 27th April, 1910, by  
The Standing Committee on Civil  
Service Administration.

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2nd Session, 11th Parliament, 9-10 Edw. VII., 1909-10

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THE SENATE OF CANADA.

BILL

NNN

An Act to provide for the cases of certain  
Persons ceasing to be employed in the  
Public Service of Canada.

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Received and read a first time,

Wednesday, 27th April, 1910.

Second reading,

Thursday, 5th May, 1910.

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Honourable Mr. Power.

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OTTAWA

Printed by C. H. PAMPHLET

Printer to the King's most Excellent Majesty  
1909-10

## THE SENATE OF CANADA.

### BILL 000.

An Act to correct an error in The Telegraphs Act.

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

**1.** Section 17 of *The Telegraphs Act*, chapter 126 of *The* R.S., c. 126,  
5 *Revised Statutes of Canada*, 1906, is hereby amended by sub- s. 17  
stituting for the words "hereafter authorized", in the first line amended,  
of paragraph (a) thereof, the words "authorized after the eighth as to  
day of April, one thousand eight hundred and seventy five." application  
of Act.

**2.** This Act shall be construed as if it had been passed on the Retroactive  
10 first day of March, one thousand eight hundred and eighty seven, effect.  
the date on which *The Revised Statutes of Canada*, 1886, came  
into force.

THE SENATE OF CANADA.

84  
BILL

000

An Act to correct an error in The Tele-  
graphs Act.

Received and read a first time,

Wednesday, 27th April, 1910.

Second reading,

Thursday, 28th April, 1910.

Honourable Mr. Bégin.

OTTAWA

Printed by C. H. PAVELLE

Printer to the King's most Excellent Majesty  
1909-10

BILL AS PASSED MAY 2, 1910.

2nd Session, 11th Parliament, 9-10 Edward VII., 1909-10.

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10 first day of March, one thousand eight hundred and eighty seven, effect.  
the date on which *The Revised Statutes of Canada*, 1886, came  
into force.

WILL BE PASSED MAY 2, 1910

AND NUMBER THE TENTH OF THE SEVENTH VOLUME, 1890-10

# THE BENEFIT OF CANADA

## BILL 000

An Act to correct an error in The Telegraphs Act

Enacted by Her Majesty in Council, in the first year of the reign of our said Majesty King Edward VII.

That the words "and the" in the first line of section 10 of the Act shall be deleted, and the words "and the" shall be inserted in the first line of section 11 of the Act, so that the said section 10 shall read as follows:—

Section 10. The Board shall have power to make regulations for the better management of the telegraph lines, and to do all such things as may be necessary for the purpose of carrying out the provisions of this Act.







