1909
11 Parliament
1 Session
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Canada. Laws, Statutes, etc.

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No. 2.] **BILL.** [1909

An Act to amend the Passenger Tickets Act.

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

1. *The Passenger Tickets Act*, chapter 38 of the Revised Statutes, 1906, is amended by inserting the following sections immediately after section 7:— R.S., c. 38 amended.

"7A. Every railway company to which this Act applies shall, at all its ticket offices, offer for sale first class mileage tickets in books of five hundred and one thousand miles each, at a rate not exceeding two cents per mile; and every such book, or coupon therefrom, shall be accepted by the conductor on any passenger train of the company, when presented by the person specified in the book, in payment of his transportation. Mileage tickets.

"7B. If the holder of a ticket over the line of any railway company inadvertently gets on the train of another railway company, starting from the same station and running to the same place, his ticket shall be valid on the said train, and the company accepting it shall be entitled to recover the cost thereof from the company by which it was sold." Validity of ticket of another company.

No. 2.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to amend the Passenger Tickets Act.

First reading, January 25, 1909.

MR REID,
(Grenville.)

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 3.] **BILL.** [1909

An Act to amend the Railway Act.

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

1. Section 275 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R.S., c. 37, new s. 275.

"**275.** On and after the first day of January, one thousand nine hundred and ten, no train shall pass over any highway crossing at rail level, in any city, town or village, at a higher speed than ten miles an hour, unless such crossing is properly protected, or is constructed and thereafter duly maintained in accordance with the orders, regulations and directions of the Board. Rate of speed at rail level crossings in cities, towns and villages.

"2. The Board may limit such speed in any case to any rate which it deems perfectly safe and expedient." Board may limit.

No. 3.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to amend the Railway Act.

First reading, January 25, 1909.

MR. BICKERDIKE.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 4.] **BILL.** [1909

An Act to amend the Criminal Code.

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

R.S., c. 146, s. 115 amended.

Possession of weapon.

1. Section 115 of *The Criminal Code*, chapter 146 of the Revised Statutes, 1906, is amended by adding after the word "imprisonment" in the second line of the said section, the words "and to be whipped."

New section.

Assaults on females.

2. The following section is inserted immediately after section 292:—

"**292A.** Everyone is guilty of an indictable offence and liable to three years' imprisonment, and to be whipped, who assaults his wife or other female and thereby occasions actual bodily harm."

Section 447 amended.

Penalty for robbery.

3. Section 447 is amended by adding after the word "imprisonment" in the second line of the said section, the words "and to be whipped."

Section 448 amended.

Assault with intent to rob.

4. Section 448 is amended by adding after the word "imprisonment" in the third line of the said section, the words "and to be whipped."

BILL.

An Act to amend the Criminal Code.

First reading, January 25, 1909.

MR. BICKERDIKE.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act to amend the Criminal Code.

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

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

1. Section 292 of *The Criminal Code*, chapter 146 of the Revised Statutes, 1906, is amended by adding thereto the following paragraph:— R.S., c. 146, s. 292 amended.

"*(c)* assaults and beats his wife or any other female and thereby occasions her actual bodily harm." Assaults on females.

4.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 4.

An Act to amend the Criminal Code.

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

MR. BICKERDIKE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

No. 6.] **BILL.** [1909

An Act to amend the Railway Act.

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

R.S., c. 37, new s. 275.

1. Section 275 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906 is repealed and the following is substituted therefor:—

Rate of speed at rail level crossings in cities, towns and villages.

"**275.** No train shall pass over any highway crossing at rail level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is properly protected, or unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council and of the Board in force with respect thereto.

Board may limit.

The Board may limit such speed in any case to any rate that it deems expedient."

Compliance with provisions.

2. The Company shall have until the first day of January, one thousand nine hundred and ten, to comply with the provisions of this section.

No. 6.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to amend the Railway Act.

First reading, January 25, 1909.

MR. LANCASTER.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 7.] **BILL.** [1909

An Act to amend the Railway Act.

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

Liability for fire caused by locomotives.

R.S. c. 37, s. 298 amended.

1. Subsection 1 of section 298 of *The Railway Act* is amended by striking out of the first and second lines thereof the words "to crops, lands, fences, plantations or buildings and their contents."

No. 7.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to amend the Railway Act.

First reading, January 25, 1909.

MR. CLARKE,
(South Essex).

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 8.] **BILL.** [1909

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:—

1908, c. 20, s. 15 amended.

1. Subsections 5, 6, 7 and 8 of section 15 of *The Dominion Lands Act*, chapter 20 of the statutes of 1908, are repealed, and the following are substituted therefor:—

No compensation for timber.

"5. In the case of an entry cancelled under subsection 4 of this section, no compensation shall be made to the entrant for the value to the said person of the timber on the homestead.

As to water supply and power, harbours and landings.

"6. If, after entry is obtained, it is ascertained that the land entered for, or any portion thereof, is necessary for the protection of any water supply or for the location or construction of any works necessary to the development of any water power, or for the purposes of any harbour or landing, the Minister may, at any time before the issue of letters patent, cancel the entry or withdraw from its application any portion of the land entered for, but, where the land is required for the location or construction of works necessary to the development of any water power, only in so far as the land is necessary for that purpose.

Compensation for improvements.

"7. No entry shall be cancelled under subsection 6 of this section until the entrant has been compensated for any improvements made by him upon the land.

Fixing amount of compensation.

"8. In the event of the failure of the entrant to agree to accept the amount allowed by the Minister as compensation under subsection 7 of this section, the amount shall be fixed by arbitration."

Explanatory note. The above clauses are practically the same as the corresponding ones in the Act; they are not intended to change the law. The necessity for re-enacting these clauses is that they are not in their proper order in the Act. They are now placed in the order originally intended.

No. 8.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to amend the Dominion Lands Act.

First reading, January 25, 1909.

MR. OLIVER.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 9.] **BILL.** [1909

An Act respecting the Brandon Transfer Railway Company.

Preamble.

1906, c. 63.

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:—

Time for construction of railway extended.

1. The Brandon Transfer Railway Company may commence the construction of its railway authorized by section 8 of chapter 63 of the statutes of 1906, and expend fifteen per cent on the amount of its capital stock thereon, within two years after 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 the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods, respectively, 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.

No. 9.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting the Brandon Transfer Railway Company.

First reading, January 26, 1909.

(PRIVATE BILL.)

MR. TURRIFF.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 10.] **BILL.** [1909

An Act respecting Brazilian Electro Steel and Smelting Company Limited.

Preamble. R.S., c. 79.

WHEREAS Brazilian Electro Steel and Smelting Company, Limited, has by its petition represented that it is incorporated under *The Companies Act*, being chapter 79 of the Revised Statutes of Canada, 1906, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Powers of Company in Republic of Brazil. Railways. Tramways. Telegraphs. Telephones. Acquisition of properties of other companies.

1. Subject to the laws in force in the Republic of Brazil, and with such legislative, governmental, municipal or other authority, concession, license or consent as is necessary, Brazilian Electro Steel and Smelting Company, Limited, (hereinafter called "the Company") may, within the Republic of Brazil, survey, lay out, construct, complete, maintain and operate, and from time to time extend, remove and change as required, double or single, iron or steel railways and branches, side tracks, turnouts, and tramways for the passage of cars, carriages and other vehicles adapted thereto, upon and along streets, highways and other public places, and upon and along lands purchased, leased or otherwise acquired by the Company, also telegraph and telephone lines and works in connection therewith, and allow the use of the said railways and other works by lease, license or otherwise for reward, and take, transmit and carry for reward telegrams, messages, passengers and freight, including mails, express and other freight upon or by means thereof, by force of power of animals, or by steam, pneumatic, electric or mechanical power, or by a combination of them or any of them, and also may there acquire by purchase, lease or otherwise upon such terms and conditions as are agreed upon, and maintain and operate for reward any existing or future lines of railway, tramway, telegraph and telephone, and for all or any of the purposes aforesaid the Company may enter into and carry out such contracts, concessions and agreements as it thinks necessary.

Issue of share warrants.

2. The Company may, with respect to any share which is fully paid up, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide by coupons or otherwise for

the payment of the future dividends on the share or shares included in such warrant, hereinafter referred to as a "share warrant."

Effect of share warrant.

3. A share warrant shall entitle the bearer of such warrant to the shares specified in it, and such shares may be transferred by the delivery of the share warrant.

Surrender and cancellation entitle to entry as shareholder.

Liability of Company for entry without cancellation.

4. The bearer of a share warrant shall, subject to the conditions to be determined by the directors as hereinafter provided, be entitled on surrendering such warrant for cancellation to have his name entered as a shareholder in the books of the Company, and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in its books the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled.

To what extent bearer is to be deemed shareholder.

Warrant will not qualify bearer as a director.

5. The bearer of a share warrant may, if the directors so determine, be deemed to be a shareholder of the Company within the meaning of *The Companies Act*, either to the full extent or for such purposes as is prescribed by the directors: Provided that the bearer of a share warrant shall not be qualified in respect of the shares specified in such warrant for being a director of the Company.

Particulars to be entered in register.

6. On the issue of a share warrant in respect of any share or shares, the Company shall strike out of its books the name of the shareholder then entered therein as holding such share or shares as if he had ceased to be a shareholder, and shall enter in the register the following particulars:—

(*a*) the fact of the issue of the warrant;

(*b*) a statement of the share or shares included in the warrant;

(*c*) the date of the issue of the warrant;

Date of s rrender to be entered.

and until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required by sections 89 and 90 of *The Companies Act*, to be entered in the books of the Company in respect of such share or shares; and on the surrender of a warrant the date of such surrender shall be entered as if it were the date at which a person ceased to be a shareholder.

Directors may vary conditions of issue.

7. The directors may determine, and from time to time vary, the conditions upon which share warrants shall be issued, and in particular upon which a new share warrant or coupon will be issued in the place of one worn out, defaced, lost or destroyed, and the conditions upon which the bearer of a share warrant shall be entitled to attend and vote at general meetings, and upon which a share warrant may be surrendered and the name of the holder entered in the books of the Company in respect of the shares therein specified. Unless the bearer of a share warrant is entitled to attend and vote at general meetings, the shares represented by such warrant shall not be counted as part of the stock of the Company for the purposes of a general

meeting. The holder of a share warrant shall be subject to the conditions for the time being in force, whether made before or after the issue of such warrant.

Company may guarantee securities of other corporations controlled by it.

8. The Company may guarantee the payment of the principal and interest or part thereof of bonds or other securities of any corporation the majority of whose capital stock is held or controlled by the Company. Such guarantee may be signed by the officer duly authorized in that behalf and may be in the form set out in the schedule hereto or to the like effect, and the Company shall be liable to the holder from time to time of the bond or other security so guaranteed in accordance with the terms of such guarantee.

SCHEDULE.

Payment of the principal and interest (*or as the case may be*) of the within bond (*or as the case may be*) in accordance with the tenor thereof (*or as the case may be*) is hereby guaranteed by Brazilian Electro Steel and Smelting Company, Limited, (*here may be set out any special terms or conditions of the guarantee*).

For
BRAZILIAN ELECTRO STEEL AND SMELTING COMPANY, LIMITED.

President
(*or other officer duly authorized*).

No. 10.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting Brazilian Electro Steel and Smelting Company, Limited.

First reading, January 26, 1909.

(PRIVATE BILL.)

MR. PARDEE.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 11.] **BILL.** [1909

An Act to incorporate the Canadian Western Railway Company.

Preamble.

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

Incorporation.

1. John Stanley Hough, Thomas L. Metcalfe, A. D. Kildahl, Henry J. Box and Orville L. Boynton, all of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the company, are incorporated under the name of "The Canadian Western Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

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.

Head office.

4. The head office of the Company shall be in the city of Winnipeg, in the province of Manitoba.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the second Wednesday in July.

Directors.

6. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches:—

(*a*) From a point on the International Boundary in the province of Alberta, between the east side of range twenty-three and the west side of range twenty-eight west of the fourth principal meridian, to a point on the Crow's Nest Pass line of the Canadian Pacific Railway Company between Cowley and Pincher Creek, thence north-westerly following the valley of the north fork of the Old Man River to a point on the Livingstone range of mountains at or near section thirty-three, in township ten, range three, west of the fifth principal meridian, thence through the pass in the Livingstone mountains at the last named point, and northerly up the valley of the Livingstone River, to a

point on High River, at or near township seventeen, in ranges four and five, west of the fifth principal meridian, thence northeasterly by the most practicable route to the city of Calgary.

(*b*) From a point on the Middle Branch, at or near its junction with the Livingstone River, thence to a point in the Rocky Mountains west of Gould's Dome, thence through a pass in the Rocky Mountains to the valley of the Elk River, by the most practicable route, thence southerly down the valley of the Elk River to a junction with the Canadian Pacific Railway and the Great Northern Railway, in the Elk Valley, at or near the village of Michel.

Consent of municipalities.

8. Notwithstanding anything in *The Railway Act*, the Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Electric or other power.

9. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric or other power or energy which may be transmitted and delivered to any place in the district through which the railway is authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may 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.

Rates and charges.

Consent of municipalities necessary.

10. Nothing in this 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 upon with such municipality.

Telegraphs.

11. The Company may, subject to the provisions of *The Railway Act*, construct, equip, maintain and operate telegraph lines upon and along its railway, 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 may lease its own line to, any such companies.

Contracts with other companies.

Tolls or charges.

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.

3. Part II of *The Telegraphs Act* shall apply to the telegraphic business of the Company. R.S. c. 126.

Issue of securities.

12. 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.

Agreements with other companies.

13. 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 Canadian Pacific Railway Company, the Great Northern Railway Company, the Calgary and Edmonton Railway Company, the Grand Trunk Pacific Railway Company and the Canadian Northern Railway Company.

No. 11.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to incorporate the Canadian Western Railway Company.

First reading, January 26, 1909.

(PRIVATE BILL.)

MR. MCCRANEY.

OTTAWA
Printed by W. MCMAHON
Printer to the King's most Excellent Majesty
1909

No. 12.] **BILL.** [1909

An Act respecting the Collingwood Southern Railway Company.

Preamble.
1907, c. 77.

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:—

Time for construction of railway extended.

1. The Collingwood Southern 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 the passing of this Act, and 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 so commenced and such expenditure is not so made, or if the said railway is not so completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

No. 12.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting the Collingwood Southern Railway Company.

First reading, January 26, 1909.

(PRIVATE BILL.)

MR. PARDEE.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 13.] **BILL.** [1909

An Act respecting the Grand Trunk Railway Company of Canada.

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

1. This Act may be cited as *The Grand Trunk Act, 1909.* Short title.

2. The expression "the Company," when used in this Act, means the Grand Trunk Railway Company of Canada. "Company" defined.

3. The Company may, in addition to the several amounts of Grand Trunk Consolidated Debenture Stock mentioned in and authorized by *The Grand Trunk Act, 1897*, and the several Acts referred to in section 5 of that Act, borrow and raise, for the general purposes of the Company, by the creation and issue of perpetual consolidated debenture stock to be called "Grand Trunk Consolidated Debenture Stock," bearing interest at a rate not exceeding four per cent per annum, such sum as the proprietors of the Company entitled to vote, in general meeting assembled, shall from time to time determine: Provided always, that the aggregate amount of the annual interest on such debenture stock to be issued under this Act shall not exceed one hundred thousand pounds sterling. Power to issue perpetual consolidated debenture stock. Proviso.

4. The said debenture stock by this Act authorized shall rank equally and be consolidated with debenture stock issued or to be issued as Grand Trunk Consolidated Debenture Stock under any Act now in force, and shall be subject to all conditions and provisions applicable thereto, including those respecting the manner, time and place of paying interest thereon, and the voting power of the holders thereof. Ranking and conditions.

5. The Company may from time to time create and issue additional Grand Trunk Four Per Cent Guaranteed Stock, and may apply such stock, or the proceeds thereof, to the general purposes of the Company: Provided always, that the total amount of Grand Trunk Four Per Cent Guaranteed Stock issued by the Company, including that issued under the provisions of *The Grand Trunk Railway Act, 1884*, and of *The Grand Trunk Railway Act, 1903*, shall not at any time exceed in the aggregate the sum of twelve million five hundred thousand pounds sterling. Power to issue guaranteed stock.

Ranking.

6. The Grand Trunk Four Per Cent Guaranteed Stock hereby authorized to be issued shall rank in all respects *pari passu* with that created and issued under the provisions of *The Grand Trunk Railway Act, 1884*, and of *The Grand Trunk Railway Act, 1903*, and dividends in respect thereof shall be payable half-yearly on the same dates as those fixed for the payment of dividends on the stock issued under the authority of the said respective Acts.

Dividends.

Rights of holders.

7. The holders of the Grand Trunk Four Per Cent Guaranteed Stock hereby authorized to be issued shall have and enjoy similar rights and privileges as to voting and otherwise as those conferred upon the holders of the Grand Trunk Four Per Cent Guaranteed Stock created and issued under the provisions of the said Acts of 1884 and 1903, respectively.

Commencement of Act.

8. This Act shall not take effect unless and until it has been submitted to a general meeting of the Company, to be held after due notice of its intended submission to such meeting has been given, and has been assented to and accepted by a majority of the votes of the persons present or represented by proxy and entitled to vote thereat.

Certificate of chairman.

2. The certificate in writing of the chairman of such meeting shall be sufficient evidence of the acceptance of this Act; and such certificate shall be filed in the office of the Secretary of State of Canada, and copies certified by the said Secretary of State shall be taken and accepted in all courts of law as sufficient evidence of such acceptance.

No. 13.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting the Grand Trunk Railway Company of Canada.

First reading, January 26, 1909.

(PRIVATE BILL.)

MR. PARDEE

OTTAWA
Printed by W. McMahon
Printer to the King's most Excellent Majesty
1909

No. 14.] **BILL.** [1909

An Act respecting the Huron and Ontario Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1896 (1st Sess.), c. 20; 1903, c. 130; 1906, c. 111; 1907, c. 94.

1. The Huron and Ontario Railway Company may issue bonds, debentures, perpetual or terminable debenture stock, or other securities, not exceeding forty thousand dollars per mile of the railway single tracked, or fifty thousand dollars per mile of the railway double tracked, and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. Issue of securities.

2. Section 11 of chapter 20 of the statutes of 1896 (First Session), and section 1 of chapter 111 of the statutes of 1906 amending the said section 11, are repealed. 1896 (1st Sess.), c. 20, s. 11, and 1906, c. 111, s. 1, repealed.

3. The said company may commence the construction of its railways and expend fifteen per cent of the amount of its capital stock thereon within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced and such expenditure is not so made, or if the said railways are not completed and put in operation, within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects such portion of the said railways as then remains uncompleted. Time for construction of railway extended.

4. Section 3 of chapter 94 of the statutes of 1907 is repealed. 1907, c. 94, s. 3 repealed.

No. 14.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting the Huron and Ontario Railway Company.

First reading, January 26, 1909.

(PRIVATE BILL.)

MR. PARDEE.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 15.] **BILL.** [1909

An Act respecting Mexican Land and Irrigation Company, Limited.

WHEREAS Mexican Land and Irrigation Company, Limited. Preamble.
has by its petition represented that it is incorporated under *The Companies Act*, being chapter 79 of the Revised R.S., c. 79.
Statutes of Canada, 1906, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subject to the laws in force in the Republic of Mexico, and Powers of Company in Republic of Mexico.
with such legislative, governmental, municipal or other authority, concession, license or consent as is necessary, Mexican Land and Irrigation Company, Limited, (hereinafter called "the Company") may, within the Republic of Mexico, survey, lay out, construct, complete, maintain and operate, and from time to time extend, remove and change as required, double or single, Railways.
iron or steel railways and branches, side tracks, turnouts and tramways for the passage of cars, carriages and other vehicles Tramways.
adapted thereto, upon and along streets, highways and other public places, and upon and along lands purchased, leased or otherwise acquired by the Company, also telegraph and tele- Telegraphs.
phone lines and works in connection therewith, and allow the use of the said railways and other works by lease, license or Telephones.
otherwise for reward, and take, transmit and carry for reward Carriers.
telegrams, messages, passengers and freight, including mails, express and other freight upon or by means thereof, by force of power of animals, or by steam, pneumatic, electric or mechanical power, or by a combination of them or any of them, and also Acquisition of properties of other companies.
may there acquire by purchase, lease or otherwise, upon such terms and conditions as are agreed upon, and maintain and operate for reward, any existing or future lines of railway, tramway, telegraph and telephone; and for all or any of the purposes aforesaid the Company may enter into and carry out such contracts, concessions and agreements as it thinks necessary.

2. The Company may, with respect to any share which is Issue of share warrants.
fully paid up, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide by coupons or otherwise for the payment of the future dividends on the share or shares included in such warrant, hereinafter referred to as a "share warrant."

Effect of share warrant.

3. A share warrant shall entitle the bearer of such warrant to the shares specified in it, and such shares may be transferred by the delivery of the share warrant.

Surrender and cancellation entitle to entry as shareholder.

Liability of Company for entry without cancellation.

4. The bearer of a share warrant shall, subject to the conditions to be determined by the directors as hereinafter provided, be entitled on surrendering such warrant for cancellation to have his name entered as a shareholder in the books of the Company, and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in its books the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled.

To what extent bearer is to be deemed shareholder.

Warrant will not qualify bearer as a director.

5. The bearer of a share warrant may, if the directors so determine, be deemed to be a shareholder of the Company within the meaning of *The Companies Act*, either to the full extent or for such purposes as is prescribed by the directors: Provided that the bearer of a share warrant shall not be qualified in respect of the shares specified in such warrant for being a director of the Company.

Particulars to be entered in register.

6. On the issue of a share warrant in respect of any share or shares, the Company shall strike out of its books the name of the shareholder then entered therein as holding such share or shares as if he had ceased to be a shareholder, and shall enter in the register the following particulars:—

(*a*) the fact of the issue of the warrant;

(*b*) a statement of the share or shares included in the warrant;

(*c*) the date of the issue of the warrant;

and until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required by sections 89 and 90 of *The Companies Act*, to be entered in the books of the Company in respect of such share or shares; and on the surrender of a warrant the date of such surrender shall be entered as if it were the date at which a person ceased to be a shareholder.

Date of surrender to be entered.

Directors may vary conditions of issue.

7. The directors may determine, and from time to time vary, the conditions upon which share warrants shall be issued, and in particular upon which a new share warrant or coupon will be issued in the place of one worn out, defaced, lost or destroyed, and the conditions upon which the bearer of a share warrant shall be entitled to attend and vote at general meetings, and upon which a share warrant may be surrendered and the name of the holder entered in the books of the Company in respect of the shares therein specified. Unless the bearer of a share warrant is entitled to attend and vote at general meetings, the shares represented by such warrant shall not be counted as part of the stock of the Company for the purposes of a general meeting. The holder of a share warrant shall be subject to the conditions for the time being in force, whether made before or after the issue of such warrant.

8. The Company may guarantee the payment of the principal and interest or part thereof of bonds or other securities of any corporation the majority of whose capital stock is held or controlled by the Company. Such guarantee may be signed by the officer duly authorized in that behalf, and may be in the form set out in the schedule hereto or to the like effect, and the Company shall be liable to the holder from time to time of the bond or other security so guaranteed in accordance with the terms of such guarantee. Company may guarantee securities of other corporations controlled by it.

SCHEDULE.

Payment of the principal and interest (*or as the case may be*) of the within bond (*or as the case may be*) in accordance with the tenor thereof (*or as the case may be*) is hereby guaranteed by Mexican Land and Irrigation Company, Limited, (*here may be set out any special terms or conditions of the guarantee*).

For
MEXICAN LAND AND IRRIGATION COMPANY, LIMITED.

President
(*or other officer duly authorized*).

No. 15.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting the Mexican Land and Irrigation Company, Limited.

First reading, January 26, 1909.

(PRIVATE BILL.)

MR. PARDEE.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 16.] **BILL.** [1909

An Act to amend the Dominion Elections Act.

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

R.S., c. 6 amended. Deposit.

1. Paragraph (*b*) of section 96, and sections 97 and 98, of *The Dominion Elections Act*, chapter 6 of the Revised Statutes, 1906, are repealed.

Polling day.

2. Section 131 of the said Act is amended by striking out of the said section all the words after the word "place" in the fifth line thereof.

New section.

3. The said Act is further amended by inserting the following section immediately after section 131:—

Polling day a public holiday.

"**131A.** The day on which the poll for taking the votes of the electors at a general Dominion election is to be held shall be a public holiday throughout Canada."

No. 16.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to amend the Dominion Elections Act.

First reading, January 25, 1909.

MR. MACDONELL.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act respecting Immigration.

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 Immigration Act.* Short title.

2. In this Act, and in all orders in council, proclamations and regulations made thereunder, unless the context otherwise requires,— Definitions.

(*a*) "Minister" means the Minister of the Interior; "Minister."

(*b*) "officer" means any officer or agent appointed under this Act, for any of the purposes of this Act, and any officer of customs; "Officer."

(*c*) "immigration officer in charge" or "officer in charge" means the immigration agent, or medical officer, or other officer, in immediate charge or control at a port of entry for the purposes of this Act; "Officer in charge."

(*d*) "immigration agent" includes the Superintendent of Immigration, commissioners of immigration, inspectors and sub-agents of immigration within or outside of Canada, and every person recognized by the Minister as an immigration agent with reference to anything done or to be done under this Act, and whether with or without formal appointment; "Immigration agent."

(*e*) "domicile" means the place in which a person has his present home, or in which he resides, or to which he returns as his place of present permanent abode, and not for a mere special or temporary purpose. Canadian domicile is lost, for the purposes of this Act, by a person voluntarily residing out of Canada, not for a mere special or temporary purpose, but with the present intention of making his permanent home out of Canada unless and until something which is unexpected, or the happening of which is uncertain, shall occur to induce him to return to Canada: Provided that the time spent by any immigrant or alien in any penitentiary, gaol, reformatory, prison or asylum for the insane in Canada shall not be counted in the three-year period of domicile referred to in any section of this Act; "Domicile."

(*f*) "alien" means a person who is not a British subject; "Alien."

(*g*) "Canadian citizen" means— "Canadian citizen."

i. a person born in Canada who is not an alien;

ii. a British subject domiciled for at least three years in Canada who has not subsequently lost Canadian domicile; or

iii. a person naturalized under the laws of Canada who has not subsequently become an alien or lost Canadian domicile.

"Immigrant." (*h*) "immigrant" means a person who enters Canada with the intention of being domiciled therein, and for the purposes of this Act every person entering Canada shall be presumed to be an immigrant unless belonging to one of the following classes of persons, hereinafter called "non-immigrant classes:"—

"Non-immigrant classes."

Canadian citizens. i. Canadian citizens.

Diplomatic. ii. Diplomatic and consular officers, and all accredited representatives and officials of British or foreign governments, their suites, families and guests, coming to Canada to reside or to discharge any official duty or to pass through in transit.

Military. iii. Officers and men, with their wives and families, belonging to or connected with His Majesty's regular naval and military forces.

Tourist. iv. Tourists and travellers merely passing through Canada to another country.

Students. v. Students entering Canada for the purpose of attendance at any university, college, school, or other educational institution; and scientists entering Canada temporarily for the purpose of studying or investigating any matter, thing or question pertaining to natural, social or industrial science.

Professional. vi. Members of dramatic, musical, artistic, athletic or spectacular organizations entering Canada temporarily for the purpose of giving public performances or exhibitions of an entertaining or instructive nature; and actors, artists, lecturers, musicians, priests and ministers of any religion, professors of colleges or other educational institutions and commercial travellers, entering Canada for the temporary exercise of their respective callings: Provided that if the performances, teachings or actions of any such persons are considered by the Minister to be immoral or contrary to public policy, then such persons may be classed and treated as immigrants.

Holders of permit to enter Canada. vii. Holders of a permit to enter Canada, in force for the time being, in form A of schedule one to this Act, signed by the Minister or by some person duly authorized; provided that so

Proviso. soon as any person in Canada belonging to any of the non-immigrant classes ceases to belong to such class, or when in the opinion of the Minister or Superintendent of Immigration, or Board of Inquiry, such person has been improperly included in such class, such person shall thereupon be deemed an immigrant seeking to land in Canada for the first time and be subject to all the provisions of this Act.

"Family." (*i*) "family" includes father and mother, and children and adopted children under eighteen years of age,

"Head of family." (*j*) "head of family" means the father, mother, son, daughter, brother or sister upon whom the other members of the family are mainly dependent for support, as the case may be;

"Passenger." (*k*) "passenger" means a person lawfully on board any ship, vessel, railway train, vehicle or contrivance for travel or transport, except the master or other person in control or command, and the crew, and military and naval forces and their families

who are carried at the expense of the Government of the United Kingdom, or the Government of any British dominion or colony.

The term passenger shall be held to include a work-a-way, or person who works for his passage, and shall also include a cattleman or a person engaged in tending cattle on shipboard, even though on the return voyage to Canada such person is signed on the ship's articles as one of the crew; Work-a-way. Cattleman.

(*l*) "stowaway" means a person who goes to sea secreted in a ship without the consent of the master or other person in charge of the ship, or of a person entitled to give such consent; or a person who travels by stealth or secreted on any railway train, freight car or other vehicle without the consent of the conductor or other person authorized to give such consent; "Stowaway."

(*m*) "ship" or "vessel" includes every boat and craft of any kind whatsoever for travel or transport other than by land; "Ship."

(*n*) "master" means any person in command of a ship or vessel; "Master."

(*o*) "owner" as applied to a ship or vessel includes the charterers of such ship or vessel and the agent of the owner thereof; "Owner."

(*p*) "port of entry" means any port, railway station or place in Canada at which there is an officer and where inspection of immigrants may be carried on; "Port of entry."

(*q*) "land," "landed" or "landing," as applied to passengers or immigrants, means their lawful admission into Canada by an officer under this Act, otherwise than for inspection or treatment or other temporary purpose provided for by this Act; "Landed."

(*r*) "immigrant station" means any place at which immigrants or passengers are examined, inspected, treated or detained by an officer for any purpose under this Act, and includes hospitals maintained for the purposes of this Act; "Immigrant station."

(*s*) "transportation company" means and includes any corporate body, or organization, firm or person engaged in the business of carrying passengers, whether by ship or railway or otherwise, and any two or more such transportation companies co-operating in the business of carrying passengers; "Transportation company."

(*t*) "Immigration Act" or "Act" shall be held to include all orders in council, proclamations, and regulations made thereunder. "Act."

Explanatory Note.—This interpretation section is more comprehensive than that in the present Act, the object being to define every term frequently occurring in this bill which might otherwise be given various meanings by immigration officers or by Boards of Inquiry or by the courts; *e.g.* "family," "head of family," "immigrant," etc., have no strict legal meaning, but for immigration purposes it is expedient that their meaning should be defined and fixed.

Paragraph (*e*).—This is based upon the dictum of Vice-Chancellor Kindersley in the case of *Lord* v. *Colvin* (4 Drew, 376; 28 L. J. Ch., 366) as follows: "I would venture to suggest that the definition of an acquired domicile might stand thus: 'That place is properly the domicile of a person in which he has voluntarily fixed the habitation of himself and his family, not for a mere special and temporary purpose but with a present intention of making it his permanent home, unless and until something which is unexpected, or the happening of which is uncertain, shall occur to induce him to adopt some other permanent home.'"

As to the proviso.—The two year period of domicile required under the present Act has been changed in this bill to a three year period. This will be in accord with the United States Immigration Act, and will also correspond with the three year period of domicile required under our Naturalization Act. But without the present proviso an undesirable immigrant might receive a sentence of three or more years imprisonment shortly after landing in Canada, and upon his release it would not be possible to deport him.

Paragraph (*h*).—The fact of a person belonging to any of the non-immigrant classes does not mean that he is necessarily free to enter Canada, or that he is exempt from all restrictions under this bill, but that he is exempt from sections and regulations applying to immigrants, such as possession of a required amount

of cash (s. 37), certain physical disabilities (s. 3, par. *c*), payment of passage out of public moneys (s. 3, par. *g*), prohibition from landing (ss. 38 and 39). On the other hand a non-immigrant is not entitled to certain privileges and protection given to immigrants by sections 53, 54, 65, 70, 71, 73 and 77. Non-immigrants and immigrants are equally prohibited from landing in Canada under paragraphs (*a*), (*b*), (*d*), (*e*) and (*f*) of section 3.

Sub-paragraph ii.—This is sub-sec. (*b*) of Rule 2 of the United States Regulations promulgated by the United States Bureau of Immigration on July 1st, 1907, specifying those exempt from payment of head-tax, and reading: "Diplomatic and consular officers, and other accredited officials of foreign governments, their suites, families, and guests coming to the United States to reside or to pass through in transit."

Sub-paragraph iii.—This is in effect paragraph (i) of section 3 of the Australian "Immigration Restriction Act, 1901," giving a list of those exempt from the Act, and reading: "Members of the King's regular land and sea forces."

Sub-paragraph v.—This is to provide that students from other countries shall not be debarred from the privilege of a Canadian education on account merely of not complying with the physical, mental or financial standard required of immigrants. There is a special Act governing the entrance of Chinese students into Canada.

Sub-paragraph vii.—This feature is borrowed from the Australian Act above referred to, paragraph (*h*) of section 3, dealing with prohibited classes, reading, "But the following are excepted: (*h*) Any person possessed of a certificate of exemption in force for the time being in the form in the schedule, signed by the Minister or by any officer appointed under this Act, whether within or without the Commonwealth." See explanatory note to section 4.

Paragraph (*i*).—At present persons classed at cattlemen who attend to cattle on voyage from Canada to Europe are given free passage back to Canada. They do not work on the return voyage, and are in effect passengers, but, being usually an unruly lot of men, are signed on as members of the crew so that the captain may have better control over them. They should be subject to all regulations applying to other passengers, which under the present Act they escape from on the ground of being members of the crew.

Paragraph (*j*).—To the definition of "stowaway" under the present Act has been added a clause which will include tramps and hobos who pass from the United States into Canada concealed on freight-cars.

Prohibited classes of immigrants.

3. No immigrant, passenger, or other person, unless he is a Canadian citizen, shall be permitted to land in Canada, or in case of having landed in or entered Canada shall be permitted to remain therein, who belongs to any of the following classes, hereinafter called "prohibited classes:—"

Persons mentally defective.

(*a*) Idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous.

Diseased persons.

(*b*) Persons afflicted with any loathsome disease, or with a disease which is contagious or infectious, or which may become dangerous to the public health, whether such persons intend to settle in Canada or only to pass through Canada in transit to some other country: Provided that if such disease is one which is curable within a reasonably short time, such persons may, subject to the regulations in that behalf, if any, be permitted to remain on board ship if hospital facilities do not exist on shore, or to leave ship for medical treatment.

Persons physically defective.

(*c*) Immigrants who are found to be, and are certified by the examining medical officer as being, dumb, blind, or otherwise physically defective, such physical defect being of a nature which may affect the ability of such immigrants to earn a living, unless they belong to a family accompanying them or already in Canada and which gives security satisfactory to the Minister in conformity with the regulations in that behalf, if any, against such immigrants becoming a public charge.

Criminals.

(*d*) Persons who have been convicted of any crime involving moral turpitude.

Prostitutes, and pimps.

(*e*) Prostitutes and women and girls coming to Canada for the purpose of prostitution, and pimps or persons living on the avails of prostitution.

(*f*) Persons who procure or attempt to bring into Canada prostitutes or women or girls for the purpose of prostitution. Procurers.

(*g*) Immigrants whose passage to Canada has been paid wholly or in part by any charitable organization, or out of public moneys, unless it is shown that the authority in writing of the Superintendent of Immigration, or in case of persons coming from Europe, the authority in writing of the assistant Superintendent of Immigration for Canada, in London, has been obtained for the landing in Canada of such persons, and that such authority has been acted upon within a period of sixty days thereafter. Charity immigrants.

Explanatory Note.—The classes mentioned in paragraphs (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) are among the prohibited classes under the present Act, and paragraph (*g*) includes the classes mentioned in the order in council of February 25th, 1908, passed on a memorandum dated February 20th, 1908, from the Minister of the Interior.

4. The Minister may issue a written permit authorizing any person to enter Canada without being subject to the provisions of this Act. Such permit shall be in the form A of the schedule to this Act, and shall be expressed to be in force for a specified period only, but it may at any time be extended or cancelled by the Minister in writing. Such extension or cancellation shall be in the form AA of the schedule to this Act. Permit to enter Canada.

Explanatory Note.—As already stated this idea is taken from the Australian "Immigration Restriction Act, 1901." It is considered expedient that there should be an ultimate power to permit any person to enter Canada, such power to be exercised through the Minister of the Interior, in order to overcome the rigidity of the Act in certain cases.

5. The Governor in Council may appoint a superintendent of immigration, commissioners of immigration, and such other officers as are deemed necessary for carrying out the provisions of this Act. Officers appointed by Governor in Council.

6. Subject to any regulations in that behalf, the Minister may appoint or employ, either permanently or temporarily, any subordinate officers, not otherwise provided for, required in furtherance of the provisions and objects of this Act, including inspectors, guards, matrons and nurses at immigrant stations, and may confer upon them, and charge them with, such power and duties as he considers necessary or expedient. Officers appointed by Minister.

7. Subject to any regulation in that behalf, all officers appointed or having authority under this Act may, in emergency, employ such temporary assistance as is required for carrying out any duty devolving upon them under this Act, but no such employment shall continue for a period of more than forty-eight hours without the sanction of the Minister. Assistance in cases of emergency.

8. When at a port of entry there is no immigration agent available for duty under this Act, the chief customs officer at that port shall be, ex-officio, an immigration agent. Immigration agent ex-officio.

9. Every officer appointed under this Act shall perform all duties prescribed for him by this Act, or by any order in council, proclamation or regulation made thereunder, and shall also perform such duties as are required of him by the Minister, either directly or through any other officer; and no action taken Duties of officers.

by any such officer under or for any purpose of this Act shall be deemed to be invalid or unauthorized merely because it was not taken by the officer specially appointed or detailed for the purpose.

Explanatory Note.—The preceding five sections are slightly remodelled from the present Act.

Authority as special constable.

10. Every officer appointed under this Act shall have the authority and power of a special constable to enforce any of the provisions of this Act relating to the arrest, detention or deportation of immigrants, aliens or other persons.

Explanatory Note.—It is desirable that there should be no question as to the authority of immigration officers to perform the duties of special constables in regard to arrest, detention or deportation of persons under this Bill.

Duties of police to execute orders of Minister.

11. All constables and other peace officers in Canada, whether appointed under Dominion, provincial, or municipal authority, shall, when so directed by the Minister or by any officers under this Act, receive and execute according to the tenor thereof any written order of the Minister, or of the Minister of Justice, and any warrant of the Superintendent of Immigration, for the arrest, detention or deportation of any immigrant, alien or other person in accordance with the provisions of this Act.

Explanatory Note.—It is desirable that all police throughout Canada should, without question, receive and execute any order from the Minister or Superintendent of Immigration relating to the arrest, detention or deportation of any person under this Bill.

Right of local police to enter immigrant stations.

12. For the preservation of the peace, and in order that arrests may be made for offences against the laws of Canada, or of any province or municipality thereof, wherein the various immigrant stations are located, the officers in charge of such immigrant stations, as occasion may require, shall admit therein any constables or other peace officers charged with the enforcement of such laws; and for the purposes of this section the authority of such officers and the jurisdiction of the local courts shall extend over such immigrant stations.

Explanatory Note.—This section is borrowed from the United States Act, and is for the purpose of preventing any clash of authority between officers in charge of immigrant stations and the local police.

Appointment of boards of inquiry.

13. The Minister may appoint three or more officers, of whom the immigration officer in charge shall be one, at any port of entry, to act as a permanent Board of Inquiry for the summary determination of all cases of immigrants or passengers seeking to land in Canada and detained under this Act.

Explanatory Note.—Boards of Inquiry are provided for in the present Act, but none have ever been appointed, nor have regulations been made to govern their procedure. Under the United States Act Boards of Inquiry are established at all important ports of entry, and in some cases they are established at some interior place to act for subordinate ports of entry along the Canadian and Mexican border. They are found most useful both in securing fair treatment and hearing to immigrants and in expediting the work of the immigration officers who inspect immigrants and passengers. Under this Bill the procedure of such Boards in deciding cases, and when appeal is made from their decisions, is provided for in the nine sections following. Practically the only differences from the United States procedure will be, 1st. A summary record instead of a complete record will be kept of the Board's proceedings. The United States Boards are provided with clerks and stenographers paid for out of their "immigrant fund" secured from the head-tax on aliens: 2nd, In cases where an appeal may be taken the appellant must put up a sum of money on certain conditions, and pending the result of the appeal is detained and kept at an immigrant station or is released under bond instead of being returned to the place whence he came.

14. Such Boards of Inquiry shall have authority to determine whether an immigrant, passenger or other person so detained shall be allowed to land or shall be rejected. Authority of boards.

15. The hearing of all cases brought before such Board of Inquiry shall be separate and apart from the public, but in the presence of the immigrant, passenger or other person concerned whenever practicable, and such immigrant, passenger or other person shall have the right to be represented by counsel whenever any evidence or testimony touching the case is received by the Board, and a summary record of proceedings and of evidence and testimony taken shall be kept by the Board. Hearing of cases by Board.

2. The Board, and any member thereof, may, at discretion, administer oaths and take evidence under oath or by affirmation in any form which they deem binding upon the person being examined. Taking of evidence.

16. In all such cases, such Board of Inquiry may hear, receive and base its decision upon any evidence, including circumstantial and hearsay evidence, considered credible or trustworthy by such Board in the circumstances of each case; and in all cases where the question is raised the burden of proof shall rest upon the immigrant, passenger or other person claiming to belong to any of the non-immigrant classes under this Act. All evidence to be received.

Explanatory Note.—It is considered desirable that, although counsel should be allowed to appear on behalf of any person whose case is before a Board of Inquiry, no legal question as to the nature or quality of evidence should be permitted to hamper or confuse members of the Board in arriving at a decision, they being supposed to base their decision on any evidence which by them in the circumstances of each case shall be considered credible or trustworthy.]

17. The Board of Inquiry shall appoint its own chairman and secretary to keep the record of its proceedings, and in all cases and questions before it the decision of a majority of the Board shall prevail. Decision of majority to prevail.

18. There shall be no appeal from the decision of such Board of Inquiry as to the rejection and deportation of immigrants, passengers or other persons seeking to land in Canada, when such decision is based upon a certificate of the examining medical officer to the effect that such immigrants, passengers or other persons are afflicted with any loathsome disease, or with a disease which may become dangerous to the public health, or that they come within any of the following prohibited classes, namely, idiots, imbeciles, feeble-minded persons, epileptics and insane persons: Provided that Canadian citizens shall be permitted to land in Canada as a matter of right. Cases where no appeal allowed from board. Proviso as to Canadian citizens.

19. In all cases other than provided for in the next preceding section an appeal may be taken to the Minister against the decision of any such Board of Inquiry by the immigrant, passenger or other person concerned in the case, if the appellant serves written notice of such appeal, (which notice may be in form C of the schedule to this Act,) upon the officer in charge, or the officer in whose custody the appellant may be, not less than forty-eight hours prior to the sailing of the first vessel by which Cases where appeal allowed from board.

deportation may be effected, unless such sailing occurs less than forty-eight hours after the order for deportation is made by the Board of Inquiry, and shall at the same time deposit with such officer the sum of twenty dollars for himself and ten dollars for each child or other person dependent upon such appellant and detained with him, such sum to be used for the purpose of defraying the cost of maintaining the appellant and those dependent upon him, pending the decision of the Minister on such appeal. In case of the appeal being allowed by the Minister or by the Board of Inquiry on a re-hearing, then the said sum shall be returned to the appellant; and in case of the appeal being disallowed by the Minister or by the Board of Inquiry on a re-hearing, then the balance of such sum, if any, after deduction of regular detention charges for board, shall be returned to the appellant.

Notice of appeal.

20. Notice of appeal and deposit of the said sum shall act as a stay of all proceedings until a final decision is rendered by the Minister, and within forty-eight hours after the filing of the said notice and deposit of the said sum a summary record of the case shall be forwarded by the immigration officer in charge to the Superintendent of Immigration, accompanied by his views thereon in writing.

Appellant in custody pending decision of Minister.

21. Pending the decision of the Minister, the appellant and those dependent upon him shall be kept in custody at an immigrant station, unless ordered to be released by the Minister under a bond similar to that provided for in section 47 of this Act.

Decision of Minister.

22. The Minister may decide the case on the evidence before him in the record referred to section 20 of this Act, or on such other evidence as is submitted by the Board of Inquiry or by the appellant, or counsel, or other person on his behalf; or may order a re-hearing of such case by the Board of Inquiry, and such re-hearing shall be final and there shall be no appeal therefrom.

When powers of board to be exercised by officer in charge.

23. When there is no Board of Inquiry at a port of entry, or at a neighbouring port to which a person detained under this Act could conveniently be conveyed, or to which a case for decision could conveniently be referred, then the officer in charge shall exercise the powers and discharge the duties of a Board of Inquiry and shall follow as near as may be the procedure of such Board as regards hearing and appeal and all other matters over which it has jurisdiction.

Explanatory Note.—Boards of Inquiry will probably only be established at the most important ports, but the officers in charge at other ports are to follow the procedure and exercise the powers of a Board of Inquiry as nearly as may be.

Jurisdiction of courts in cases of rejection and deportation restricted.

24. No court, and no judge or officer thereof, shall have jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister or of any Board of Inquiry, or officer in charge, had, made or given under the authority and in accordance with the provisions of this Act relating to the rejection or landing or deportation

of any immigrant, passenger, stowaway or other person, or with the due execution of any such decision or order upon any ground whatsoever, save only that such person is a Canadian citizen.

Explanatory Note.—The basic idea of this section is that no person who has not landed in Canada within the meaning of this Bill, that is who has not been admitted by the immigration officers, is to be considered in Canada at all for the purpose of appealing to Canadian courts against any action of the immigration officers authorized under this Bill. They are to be considered as if met by immigration officers and rejected by them at a foreign port. The right to land enjoyed by Canadian citizens is, however, preserved; these have recourse to the courts if their rights are interfered with by immigration officers. As to all others the immigration officers are the best judges of those who are and of those who are not qualified to land in Canada, and they should be trusted to discharge their duties justly. Moreover there always remains the right of appeal to the Minister. Non-interference by the courts, except in the specified cases, will guarantee speedy and efficient action on the part of officers charged with the rejection or deportation of undesirable immigrants.

Further regulations governing boards.

25. The Governor in Council may make such further regulations governing the procedure of Boards of Inquiry and appeal therefrom as are deemed necessary.

Master not to land passengers without permission.

26. The master of any vessel shall not permit any passenger to leave the vessel until written permission from the immigration officer in charge to allow his passengers to land has been given to the master.

When permission to land passengers to be granted.

27. The immigration officer in charge, after satisfying himself that the requirements of this Act, and of any order in council, proclamation or regulation made thereunder, have been carried out, shall grant written permission to the master of the vessel to allow the passengers to leave the vessel.

Bill of health.

28. The master shall furnish to the immigration officer in charge at the port of entry a bill of health, certified by the medical officer of the vessel, such bill of health being in the form and containing such information as is required from time to time under this Act.

When medical officer to go on board ship.

29. The immigration officer in charge, whenever he deems proper, may direct the medical officer, before any passengers leave the vessel, to go on board and inspect such vessel, and examine and take extracts from the list of passengers or manifest, and from the bill of health.

Explanatory Note.—The preceding five sections are from the present Act slightly remodelled.

Medical examination of passengers.

30. Medical officers appointed under this Act shall make a physical and mental examination of all immigrants and passengers seeking to land in Canada from any ship or vessel, except in the case of Canadian citizens. Such examination shall be made in accordance with and subject to regulations prescribed by the Superintendent of Immigration under the direction or with the approval of the Minister.

Explanatory Note.—It is considered advisable that the examination to be made by medical officers under this Bill shall not be rigidly prescribed in the Bill itself, but shall be made in accordance with rules and regulations to be prescribed, and which may be altered or suspended as deemed advisable on account of the class of immigrants, the time of the year, the prevalence of epidemics, the health conditions in the port of embarkation, etc.

Answers to questions.

2. Every immigrant, passenger or other person seeking to land in Canada shall answer truly all questions put to him by any officer under the authority of sections 30 and 33 of this Act.

Explanatory Note.—This is in effect s. 255 of *The Customs Act.*

Obligations of transportation companies bringing passengers by land.

31. Regulations made by the Governor in Council under this Act may provide that the obligations of transportation companies bringing immigrants and passengers into Canada by land shall be the same as those imposed by this Act on masters and owners of vessels bringing immigrants and passengers to Canada, including the furnishing of names and descriptions of such immigrants and passengers, and such other particulars relating thereto as the regulations prescribe.

Detention of trains.

2. Such regulations may also provide that officers under this Act shall have the power to hold and detain railway trains, cars and other vehicles entering Canada from the United States until examination of immigrants and passengers has been made as required by this Act; and may provide penalties for non-compliance with such regulations by transportation companies, or any official or employee thereof.

Explanatory Note.—Customs officers already have this power.

Regulations for examination of passengers from United States.

32. Subject to any regulations made under the preceding section, the Superintendent of Immigration, under the direction or with the approval of the Minister, shall prescribe regulations for the entry, inspection and medical examination of immigrants and passengers along the border of the United States so as not to unnecessarily delay, impede or annoy passengers in ordinary travel between Canada and the United States.

Explanatory Note.—Section 32 of the United States Act is to the like effect, and almost similarly worded.

Landing of passengers.

33. Every passenger or other person seeking to land in Canada shall be forthwith examined, as required under this Act, either on shipboard or on train, or at some other place designated for that purpose. Every passenger or other person who may appear to the immigration officer in charge to be clearly entitled to land shall be at once admitted; every passenger or other person as to whose right to land there appears to be any doubt shall be detained for examination by the officer in charge, or by the Board of Inquiry, and such examination shall be forthwith conducted separate and apart from the public, and, upon the conclusion thereof, such passenger or other person shall be either immediately landed or shall be rejected and kept in custody at an immigrant station till ordered to be deported, in which case an order for deportation shall be made in form B of the schedule to this Act, and a copy of the said order shall be delivered to such passenger, or other person, within twelve hours thereafter, and a copy of the said order shall at the same time be served upon the master or owner of the ship or upon the local agent or other official of the transportation company by which such person was brought to Canada.

Examination when right to land is doubtful.

2. Any person who enters Canada except at a port of entry may be arrested and detained by any officer for examination as provided under this section. Ports of entry.

3. Any transportation company or person knowingly and wilfully landing, or assisting to land, or attempting to land, in Canada, any prohibited immigrant or any person whose entry into Canada has been forbidden under this Act, shall be guilty of an offence, and shall be liable, on conviction, to a fine of not more than five hundred dollars and not less than fifty dollars for each prohibited immigrant or other person so landed in Canada, or whose landing in Canada was so attempted. Penalty for landing prohibited immigrants.

Explanatory Note.—This section provides for the admission or rejection of every person seeking to land in Canada, and provides moreover that in case of rejection a copy of the deportation order made shall be served upon the person to be deported, which order shall contain notice of his right of appeal, and procedure to be taken thereon.

Subsection 2 is required to meet cases of persons who purposely avoid ports of entry in order to evade examination by immigration officers.

34. Where a passenger or other person seeking to land in Canada has been rejected under this Act, or where such passenger or other person is held by order of the Minister, or Superintendent of Immigration, or of any court, for further inquiry, proceeding, or other purpose, an application may be made, accompanied by the certificate of the examining medical officer, to the Superintendent of Immigration, or other officer designated by the Minister, for permission to allow the landing of the passenger or other person for hospital treatment or other appropriate care or attention. This application will be granted where it is certified by the examining medical officer that the health or safety of such passenger or other person would be imperilled by immediate deportation, or where it is manifest to the officer in charge that the condition of such passenger or other person requires immediate hospital treatment. In such cases, pending the decision of the Superintendent of Immigration or other officer designated, hospital treatment or other appropriate medical attention and maintenance shall be immediately given. If, in the opinion of the officer in charge, the transportation company which brought such person to Canada failed to exercise proper vigilance or care in so doing, then the cost of his hospital treatment and medical attention and maintenance shall be paid by such transportation company in the manner provided by section 36 of this Act, and otherwise the cost thereof shall be collected from such person, and if that be not possible then the cost thereof shall be paid by the Department of the Interior. In all other cases the application shall not be granted unless it clearly appears from the report of the officer in charge, or from other evidence accompanying the application, that such a course is necessary to meet the ends of justice or humanity. The landing or detention of a passenger or other person for the purpose contemplated by this section shall not be construed in any manner to alter the status of such person with reference to the right to land or remain in Canada. Landing of passengers for hospital treatment who have been rejected or who are held by order of the Minister or a court.

Landing of diseased member of domiciled immigrant family.

35. When any person claiming to belong to the family of a domiciled immigrant shall seek to land in Canada, and shall be found afflicted with a loathsome or dangerous contagious disease, and it cannot be immediately determined whether such disease will be easily curable, an application may be made by such person, accompanied by the certificate of the examining medical officer, to the Superintendent of Immigration, or other officer designated by the Minister, for permission to allow the landing of such person for hospital treatment or other appropriate medical attention. In cases, where necessary, pending the decision of the Superintendent of Immigration or other officer designated, hospital treatment or other appropriate care or attention may be immediately given at the direction, and in the discretion, of the officer in charge. If, in the opinion of the officer in charge, the transportation company which brought such person to Canada failed to exercise proper vigilance or care in so doing then the cost of such person's hospital treatment and medical attention and maintenance shall be paid by the said transportation company in the maanner provided by section 36 of this Act, and otherwise the cost thereof shall be collected from such passenger or other person, and if that be not possible then the cost thereof shall be paid by the Department of the Interior. The application to the Superintendent of Immigration or other officer designated must clearly show that the head of the family has actually become domiciled in Canada, and nothing herein shall be construed so as to alter the status of the person concerned with reference to the right to land or remain in Canada.

Landing of helpless passenger for treatment.

36. A passenger or other person seeking to land in Canada from any ship, who is helpless from sickness, or physical or mental disability, may be afforded medical treatment on board ship or in an immigrant station, or may be removed to a suitable hospital for treatment, according as the officer in charge decides is required by existing circumstances and the condition of the person's health as reported upon by the examining medical officers. Such person, when so removed to a hospital, shall not be regarded as in any sense landed, and the cost of his maintenance and care there shall be paid by the transportation company by which he is brought to the port to the same extent as if he were held on board ship or in an immigrant station. If, in the opinion of the officer in charge, based upon the express opinion of the examining medical officer, it is necessary as a measure of humanity, or for the proper care of such person so removed to hospital, to also place in the hospital a suitable attendant or someone upon whom such person is dependent, or someone who is dependent upon such person, as the case may be, then the cost of the detention in hospital of such attendant or additional person shall also be paid by the said transportation company. Every bill for hospital treatment and medical attention and maintenance in such cases shall be rendered monthly by the hospital agent against the transportation companies responsible, through the office of the Superintendent of Immigration, and the latter's approval shall

be attached to the bill, if correct, before forwarding it to the transportation companies for payment.

Explanatory Note.—The three preceding sections have been remodelled from similar sections in the United States Act, and are considered reasonable from a humane standpoint.

Immigrants may be required to possess prescribed amount of money.

37. Regulations made by the Governor in Council under this Act may provide as a condition to permission to enter Canada that immigrants shall possess money to a prescribed minimum amount, which amount may vary according to the race, occupation or destination of such immigrant, and otherwise according to the circumstances.

Explanatory Note.—This is section 20 of the present Act, amended by inserting the words "race" and "occupation" instead of "class." There is at present a regulation requiring Asiatics to possess the minimum amount of two hundred dollars before entering Canada, and this regulation is not easily justified by the word "class" in section 20 of the present Act. A similar cash guarantee against becoming public charges might also be required of other races deemed unsuitable to the climate or needs of Canada, and in order to make such regulation valid beyond question the word "race" must be used. Such regulations apply only to immigrants, they would not apply to non-immigrant classes of the race named.

Prohibition of certain immigrants not coming to Canada by continuous journey.

38. The Governor in Council may, by proclamation or order, whenever he deems it necessary or expedient, prohibit the landing in Canada, or at any specified port of entry in Canada, of any immigrant who has come to Canada otherwise than by continuous journey from the country of which he is a native or naturalized citizen, and upon a through ticket purchased in that country.

Explanatory Note.—This is the order in council of May 27th, 1908, amended so as to limit the restriction therein, whenever considered expedient, to any specified port of entry instead of to the whole of Canada.

Prohibition of specified classes of immigrants and closing of specified ports.

39. The Governor in Council may, by proclamation or order, whenever he deems it necessary or expedient, prohibit for a stated period, or permanently, the landing in Canada, or the landing at any specified port of entry in Canada, of immigrants belonging to any race deemed unsuited to the climate or requirements of Canada, or of immigrants of any specified class, occupation or character; or may prohibit the landing in Canada of passengers brought to Canada by any transportation company which refuses or neglects to comply with any provision of this Act.

Explanatory Note.—It has more than once happened that foreign transporation companies, with no connecting links or property in Canada, have refused to convey back rejected passengers. The only way to control such companies is to refuse their passengers permission to land in Canada at the ports to which such companies bring them.

Duty of officers to notify Minister of immigrants becoming public charges.

40. Whenever any person, within three years of landing in Canada, has been convicted of vagrancy, or has become a public charge, or an inmate of a penitentiary, gaol, reformatory, or prison or of a hospital or insane asylum or public charitable institution, it shall be the duty of any officer cognizant thereof, and the duty of the clerk, secretary or other proper official of any municipality in Canada wherein such person may be, to forthwith notify the Minister, giving full particulars.

Detention of certain prisoners for deportation.

41. When any person has, within three years of landing in Canada, become an inmate of a penitentiary, gaol, reformatory or prison, the Minister of Justice may, upon the request of the Minister of the Interior, issue an order to the warden or governor of such penitentiary, gaol, reformatory or prison, which order may be in form E of the schedule to this Act, commanding him after the sentence or term of imprisonment of such person has expired to detain such person for, and deliver him to, the officer named in the warrant issued by the Superintendent of Immigration, which warrant may be in form EE of schedule one to this Act, with a view to the deportation of such person.

Order of Minister of Justice and warrant of superintendent of immigration.

2. Such order of the Minister of Justice shall be sufficient authority to the warden or governor of the penitentiary, gaol, reformatory or prison, as the case may be, to detain and deliver such person to the officer named in the warrant of the Superintendent of Immigration as aforesaid, and such warden or governor shall obey such order, and such warrant of the Superintendent of Immigration shall be sufficient authority to the officer named therein to detain such person in his custody, or in custody at any immigrant station, until such person is delivered to the authorized agent of the transportation company which brought such person into Canada, with a view to deportation as herein provided.

Explanatory Note.—The preceding two sections are remodelled from section 33 of the present Act, the two main differences being that a prisoner may not be taken from prison for deportation before expiry of his sentence; and after expiry of his sentence he may be detained by the gaoler to be delivered to an immigration officer for deportation, when such has been ordered.

Duty of officers to notify Minister concerning acts of alien and immigrant anarchists, and criminal societies.

42. Whenever any person other than a Canadian citizen advocates in Canada the overthrow by force or violence of the government of Great Britain or Canada, or other British dominion, colony, possession or dependency, or the overthrow by force or violence of constituted law and authority, or the assassination of any official of the Government of Great Britain or Canada or other British dominion, colony, possession or dependency, or of any foreign government, or shall by word or act create or attempt to create riot or public disorder in Canada, or shall by common repute belong to or be suspected of belonging to any secret society or organization which extorts money from, or in any way attempts to control, any resident of Canada by force or threat of bodily harm, or by blackmail; it shall be the duty of any officer becoming cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such alien or other person may be, to notify the Minister, giving full particulars.

Explanatory Note.—Section 2 of the United States Act reads in part as follows: —"That the following classes of aliens shall be excluded from admission into the United States: . . . persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials." This part of the United States section is aimed at anarchists. A special bureau has been created a Washington to deal with anarchists. But the secret criminal blackmailing organizations introduced by foreigners from southern Europe now constitute a greater menace in the United States than do the anarchists. Of these the Black Hand and Mafia organizations are the chief. The Che Kung Tong, or Order of Chinese Highbinders, is a somewhat similar organization, but its objects are partly political. They limit their criminal practices, however, to blackmailing and killing

other Chinese. In dealing with these organizations, our police system, and the assumption in criminal trials of the innocence of the accused, makes it difficult to secure convictions. Their leaders, both European and Chinese, are often well-known to the police, but they work through subordinate accomplices who stand in fear of them, and are very clever in avoiding any direct incriminating evidence against themselves. With the exception of the Che Kung Tong these organizations have not yet been very active in Canada, but with the increase of immigration from southern Europe it is inevitable that they will become as great an evil in Canada as in the United States unless the necessary power is given to root them out whenever they appear, as provided for in the next section.

Powers of Minister to deport certain immigrants and aliens.

43. On being notified by any officer, as provided for in sections 40 and 42 of this Act, the Minister may cause an investigation to be made of the facts, and after such investigation may, in his discretion, order the deportation of any person contemplated in the said section, except in the case of an inmate of a penitentiary, goal, reformatory or prison, and such person shall thereupon be deported, and the cost thereof shall be charged to and paid by the Department of the Interior, or the Minister may, in his discretion, and with the approval of the Governor in Council, order such alien or other person to leave Canada within a specified period. Such order may be in the form DD of the schedule to this Act, and shall be in force as soon as it is served upon such alien or other person, or is left for him by any officer, at the last known address or place of abode of such alien or other person. Such order, together with all orders for deportation signed by the Minister or Superintendent of Immigration, and all warrants signed by the Superintendent of Immigration, shall bear the seal of the Department of the Interior inscribed "Department of the Interior, Immigration Bureau, Canada."

Order to leave Canada.

Return of rejected immigrants.

44. Every immigrant, passenger, stowaway and other person brought to Canada by ship and rejected by the Board of Inquiry or officer in charge, shall, if practicable, be immediately sent back to the port of embarkation from which he came, on the vessel bringing him. The cost of his maintenance while on land, as well as the cost of his return, shall be borne by the owner of the vessel on which he came; and if any master, agent or owner of any such vessel refuses to receive any such person back on board thereof, or on board of any other vessel owned or operated by the same transportation company, when so directed by the officer in charge, or fails to detain any such person thereon, or refuses or fails to return him to the port from which he came to Canada, or to pay the cost of his maintenance while on land awaiting deportation, or makes any charge against any such person for his maintenance while on land, or for his return to the port of embarkation, or takes any security from any such person for the payment of such charge, such master, agent or owner and transportation company concerned shall be guilty of an offence under this Act, and shall, on conviction, be punished by a fine of not more than five hundred dollars and not less than one hundred dollars for each offence; and no such vessel shall have clearance from any port of Canada until such fine is paid.

Rejected immigrants to be returned by transportation company

45. Every person rejected or deported under this Act who came to Canada by ship shall be reconveyed free of charge by the same transportation company which brought him into Canada from the place in Canada where he is rejected or where

which brought them to Canada.

he is being detained or held for deportation to the port of embarkation from which he came to Canada, and in the same manner as to passage accommodation by which he was brought to Canada; and similarly every such person brought to Canada by a railway train or other vehicle shall, subject to the regulations prescribed by the Superintendent of Immigration under section 32 of this Act, be reconveyed free of charge by the transportation company which brought him into Canada from the place in Canada where he is rejected or where he is being detained or held for deportation to the place in the country whence he was brought by such company.

Deportation of person entering Canada in violation of this Act.

46. Any immigrant, passenger or other person who enters Canada, or remains in Canada, contrary to the provisions of this Act, may, upon the request of the clerk, secretary, or other official of any municipality in Canada wherein such person may be, and whenever so ordered by the Minister or Superintendent of Immigration, be taken into custody and deported to the country whence he came, or to the country of which he is a naturalized citizen or native, at any time within three years after the date of his entry into Canada. In any case where deportation of the head of a family is ordered, all dependent members of the family may be deported at the same time. And in any case where deportation of a dependent member of a family is ordered on account of having become a public charge, and in the opinion of the Minister such circumstance is due to wilful neglect or non-support by the head or other members of the family morally bound to support such dependent members, then all members of the family may be deported at the same time. Such deportation, when possible, shall be at the cost of the transportation company bringing such person to Canada, and otherwise the cost of such deportation shall be paid by the Department of the Interior: Provided that, pending the final disposition of the case of any person so taken into custody, he may be released under a bond with a penalty of not less than five hundred dollars, with security approved by the Superintendent of Immigration, or officer acting as such, conditioned that such immigrant shall be produced before a Board of Inquiry, or officer in charge, at any port of entry named by the Minister when required for a hearing, with regard to the charge upon which he has been taken into custody, and shall be returned into custody of an officer for deportation if he is found to be unlawfully within Canada.

Proviso.

Deported person returning to Canada.

47. Any person deported under this Act who again enters Canada after such deportation without a permit from the Minister, or who refuses or neglects to leave Canada when ordered so to do by the Minister as provided for in section 43 of this Act, shall be guilty of an offence against this Act, and may forthwith be arrested and deported by any officer, or may be prosecuted for such offence, and shall be liable on conviction to two years imprisonment, and immediately after expiry of any sentence imposed for such offence may be again deported or ordered to leave Canada under the said section 43.

Penalty.

48. It shall be the duty of every transportation company, other than those railway companies which may be made subject to the regulations prescribed by the Superintendent of Immigration under section 32 of this Act, bringing passengers or other persons to Canada, to prevent the landing of such passengers or other persons in Canada at any time or place other than as designated by the immigration officer in charge, and the negligent failure of any such company to comply with the said requirements shall be an offence against this Act and shall be punished by a fine in each case of not more than one thousand dollars and not less than fifty dollars, and every passenger or person so landed shall be deemed to be unlawfully in Canada and may be arrested and deported by order of the Minister.

Passengers to be landed only at places designated by the officer in charge at the port of entry.

49. Refusal or neglect on the part of any transportation company, or on the part of a master, agent, owner, or consignee of any vessel, to comply with the order of the Minister or Superintendent of Immigration to take on board, guard safely, and return to the country whence he came any passenger or other person brought to Canada by such transportation company and ordered to be deported under the provisions of this Act shall be punished by a fine of not more than one thousand dollars and not less than fifty dollars in each case: Provided, that when, in the opinion of the Minister or the Superintendent of Immigration, the mental or physical condition of such passenger or other person is such as to require personal care and attendance, an officer may be deputed to accompany such immigrant or other person to his port of embarkation from Canada, or other place designated by the Minister or Superintendent of Immigration, and the cost thereof shall be paid by the Department of the Interior.

Penalty on transportation company refusing to return person ordered to be deported.

Proviso.

50. Every transportation company which, through the connivance or negligence of any of its officials or employees, permits the escape of any person delivered into the custody of such transportation company by any officer for deportation under this Act shall, on conviction, be punished by a fine of not more than five hundred dollars and not less than fifty dollars for each offence.

Transportation company permitting escape of person ordered to be deported.

2. In the event of such person escaping from the custody of a transportation company, it shall be the duty of the master of the vessel, conductor of the train, dock-master, special constable or other official or employee of the transportation company in whose custody such person then was, to immediately report such escape to the nearest available immigration officer, and it shall also be the duty of the said company forthwith to report such escape to the Superintendent of Immigration, and such report shall state when, and from whom, such person was received, and the time and mode of escape. Failure on the part of such master, condutor, or other official to so report to the nearest available immigration officer shall render him liable to a penalty of not more than twenty dollars and not less than ten dollars for each offence, and failure on the part of the transportation company to so report to the Superintendent of Immi-

Duty to notify immigration officer when such person escapes.

gration shall render such company liable to a fine of not more than one hundred dollars and not less that twenty dollars for each offence.

Explanatory Note.—As regards the obligations of transportation companies under the preceding seven sections, and other sections of this Bill, it may be explained that under the present Act, and under the laws of the United States, Australia, Natal, Cape Colony, and New Zealand, transportation companies are put under more or less similar obligations. The reasons for so doing may be given in the words of an expert student of immigration questions, James Davenport Whelpley, in his recent work thereon, "The Problem of the Immigrant," 1905, ed. pp. 3, 10, 15: "The traffic in ocean passages has reached a stage of fierce competition, unscrupulousness, and even inhumanity, inconceivable to those not familiar with its details. Men who profit by the march of these millions of people have a drag-net out over continental Europe, so fine in its meshes as to let no man, woman or child escape who has the price and the desire or need to go. Three great countries, Italy, Austria-Hungary and Russia—where the masses of the people are low in the social scale, and where the percentage of illiteracy is discreditable to the twentieth century—are being systematically drained through channels made easy by those seeking cargo for their ships. . . . . This stampede has now reached such proportions as to occupy all the energies of a score of steamship lines in handling the traffic, to warrant the establishment of new and direct routes, and the building of new ships specially designed for the carrying of this cargo. The business is profitable, there are comparatively few restrictions upon it, and in central and southern Europe there is apparently a vast amount of human freight needing only the initiative push to make a start, and thus keep up for an indefinite term of years this gigantic industry. There is no demand for all these people in the countries to which they are going. There is no hope of an exhaustion of supply, for the most prolific races are now contributing their millions, and yet increasing the population of their own countries. There is no hope of an improvement in quality, for the best come first and the dregs follow. Regardless of consequences to themselves or others this irresponsible horde dumps itself or is dumped into communities already strained to maintain a high level of individual life for the native born, and the large foreign element already on the ground. Existing social and economic standards give way under the pressure. The labour market is glutted, and the shrewd and avaricious make possible a form of slavery worse than that from which the negro was freed at cost of great wars. . . . The artificial cause behind the present unprecedented exodus from Europe is the abnormal activity of the transportation companies in their effort to secure a new and profitable cargo for their ships. The present emigration movement represents a gross annual income of at least fifty million dollars, and it is encouraged and stimulated in every way known to the skilful and experienced men who have built up this business for themselves or their employers. The managements of these companies deny any knowledge of unnatural means being used to secure business, and disclaim responsibility for the thousand of sub-agents who are engaged in the sale of steamship tickets on the continent. It is probably true that these men are not directly in their employ, but the business is done on a commission basis through general agents; hence a sub-division of profit is possible without direct responsibility. The transportation companies get the business, however, and so successful are their methods that emigrant authorities hold them responsible for instigating fifty per cent of the departures for foreign lands."

False representation to deter or induce immigration.

51. Every person who causes or procures the publication or circulation, by advertisement or otherwise, in a country outside of Canada, of false representations as to the opportunities for employment in Canada, or as to the state of the labour market in Canada, intended or adapted to encourage or induce, or to deter or prevent, the immigration into Canada of persons resident in such outside country, or who does anything in Canada for the purpose of causing or procuring the communication to any resident of such country of any such representations which are thereafter so published, circulated or communicated, shall be guilty of an offence, and liable on summary conviction before two justices of the peace, to a fine of not more than five hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

Violation of foreign laws regarding duties of master or crew.

52. If, during the voyage of any vessel carrying immigrants from any port outside of Canada to any port in Canada, the master or any of the crew is guilty of any violation of any law in force in the country in which such foreign port is situate,

regarding the duties of such master or crew towards the immigrants in such vessel, or if the master of any such vessel during such voyage commits any breach whatsoever of the contract for the passage made with any immigrant by such master, or by the owners of such vessel, such master or such one of the crew shall, for every such violation or breach of contract, be liable to a penalty not exceeding one hundred dollars and not less than twenty dollars, independently of any remedy which such immigrants complaining may otherwise have.

Breach of contract with passenger.

53. The master of every vessel bringing immigrants to Canada from Europe shall, at all times while the vessel is in Canadian waters, keep posted, in a conspicuous place on the forecastle and in the parts of the steerage of the said vessel assigned to steerage passengers, a written or printed notice in the English, French, Swedish, Danish, German, Russian and Yiddish languages, and such other languages as are ordered from time to time by the Superintendent of Immigration, containing the provisions of this Act regarding the prevention of intercourse between the crew and the immigrants and the penalties for the contravention thereof, and shall keep such notice so posted during the remainder of the voyage.

Notices to be posted regarding intercourse between immigrants and the crew.

2. The immigration officer in charge shall inspect every such vessel upon arrival for evidence of compliance with this section, and shall institute proceedings for any penalty incurred for violation thereof.

Inspection of notices by officer in charge.

3. Every master of a vessel bringing immigrants to Canada from Europe who neglects to post, and keep posted, the notice required by this Act to be posted regarding the prevention of intercourse between the crew and the immigrants and the penalties for contravention thereof, as required by this Act, shall be liable to a penalty not exceeding one hundred dollars for each offence.

Penalty.

54. No officer, seaman or other person on board of a vessel bringing immigrants to Canada shall, while such vessel is in Canadian waters, entice or admit any female immigrant into his apartment, or, except by the direction or permission of the master of such vessel, first given for such purpose, visit or frequent any part of such vessel assigned to female passengers.

Intercourse between crew and female immigrants.

55. Every officer, seaman or other man employed on board of a vessel bringing immigrants to Canada, who, while such vessel is in Canadian waters, entices or admits any female immigrant into his apartment or, except by the direction or permission of the master of such vessel first given, visits or frequents any part of such vessel assigned to female passengers, shall incur a penalty equal in amount to his wages for the voyage during which the said offence was committed.

Penalty for intercourse between crew and female immigrants.

56. Every master of a vessel, who, while such vessel is in Canadian waters, directs or permits any officer or seaman, or other man employed on board of such vessel to visit or frequent any part of such vessel assigned to female immigrants, except for the purpose of doing or performing some necessary

Permitting crew to visit parts of vessel assigned to female immigrants.

act or duty, shall incur a penalty of twenty-five dollars for each occasion on which he so directs or permits the provisions of this section to be violated by any officer, seaman or other man employed on board of such vessel.

Penalty.

Proportionate number of passengers to area of decks.

57. If any vessel from any port or place outside of Canada comes within the limits of Canada having on board, or having had on board, at any time, during her voyage—

(*a*) any greater number of passengers than one adult passenger for every fifteen clear superficial feet on each deck of such vessel appropriated to the use of such passengers and unoccupied by stores or other goods, not being the personal luggage of such passengers, or,

(*b*) a greater number of persons, including the master and crew and the cabin passengers, if any, than one for every two tons of the tonnage of such vessel, calculated in the manner used for ascertaining the tonnage of British ships, the master of such vessels shall incur a penalty not exceeding twenty dollars, and not less than eight dollars for each passenger or person constituting such excess.

Penalty.

"Adult" defined.

2. For the purpose of this section, each person of or above the age of fourteen years shall be deemed an adult, and two persons above the age of one year and under the age of fourteen years shall be reckoned and taken as one adult.

Manifest to be delivered by master to immigration officer.

58. The master of every vessel arriving at any port of entry in Canada shall forthwith after such arrival, and before any entry of such vessel is allowed, deliver to the immigration officer in charge a manifest, in the form prescribed by the regulations, of all the passengers and stowaways on board such vessel at the time of her departure from the port or place whence she last cleared or sailed for Canada, or who were on board such vessel at the time of her arrival in Canada, or at any time during her voyage; and such manifest shall also state the name and apparent age of all passengers on board of such vessel on such voyage who are lunatic, idiotic, epileptic, dumb, blind or infirm, or suffering from any disease or injury, and whether or not they are accompanied by relatives able to support them.

Entry as to passengers who have been born or have died during voyage.

2. Such manifest shall further state the name, age and last place of residence of any person who has been born or who has died during the voyage, and shall specify the cause of death and whether such person was accompanied by relatives or other persons who are entitled to take charge of the moneys and effects left by such person and the disposition made thereof.

Disposal of property of deceased passengers.

3. If there were no such relatives or other persons so entitled the manifest shall fully designate the quantity and description of the property, whether money or otherwise, left by such person; and the master of the vessel shall pay over to the immigration officer in charge at the port at which the vessel is entered, and fully account for, all moneys and effects belonging to any person who has died on the voyage.

Receipt for moneys by immigration officer.

4. The immigration officer in charge shall thereupon give to the master a receipt for all moneys or effects so placed in his hands by the master, which receipt shall contain a full description of the nature or amount thereof.

59. If the master of any vessel arriving at any port of entry in Canada wilfully or negligently— Master omitting to deliver prescribed manifest.

(*a*) omits to report in writing to the immigration officer in charge, in the manifest required by this Act to be delivered by him on each voyage, the name and apparent age of each passenger or stowaway who is lunatic, idiotic, epileptic, dumb, blind or infirm, or suffering from any disease or injury, or omits to state whether each such person is accompanied by relatives able to support him, or not; or

(*b*) makes any false statement in any such manifest;

he shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars for every person with regard to whom any such omission occurs or any such false statement is made. Penalty.

2. The owner of the vessel shall in such case also be liable for the aforesaid penalty, and, if there are more owners than one, such owners shall be so liable jointly and severally; but in any case under this section where a conviction has been obtained against the master of the vessel, no further prosecution against the owner of the vessel shall be instituted. Liability of owner.

60. The master of any vessel sailing from a port outside of Canada who embarks passengers after the vessel has been cleared and examined by the proper officer at the port of departure, and who does not report such additional passengers in the manifest required to be delivered under this Act to the immigration officer in charge at the port of entry, shall be liable to a fine of not more than twenty dollars and not less than five dollars for each passenger so embarked as aforesaid and not included in one of the said manifests. Entry in manifest of additional passengers. Penalty.

61. If the master of any vessel arriving at any port of entry in Canada permits any passenger to leave the vessel before he has delivered to the immigration officer in charge a correct manifest in the form prescribed by the regulations in that behalf, and received permission from the officer in charge to allow the passengers to land, he shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars for every passenger so leaving the vessel. Master permitting passengers to land before delivering manifest. Penalty.

Explanatory Note.—The preceding ten sections are from the present Act, slightly remodelled in some cases to meet the terms of this Bill.

62. If the master of any vessel arriving at any port of entry in Canada permits any stowaway to leave the vessel without permission of the immigration officer in charge, or through negligence permits such stowaway to escape from the vessel before the immigration officer in charge has given permission for such stowaway to be landed, or after such stowaway has been ordered to be deported, or in the event of such escape fails to report it forthwith to the immigration officer in charge, he shall be liable to a fine of not more than one hundred dollars and not less than twenty dollars for every stowaway so leaving or escaping from the vessel. Master permitting stowaway to land without permission of officer in charge. Penalty.

Explanatory Note.—This provision is not in the present Act, and the need of it has been felt on several occasions by the immigration officers. It is in accord with the preceding section 62.

Passenger may leave vessel before arrival at port of destination.

63. Nothing in this Act shall prevent the master of any vessel from permitting any passenger to leave the vessel outside of Canada at the request of such passenger before the arrival of the vessel at her final port of destination; but in every such case the name of the passenger so leaving shall be entered in the manifest of passengers made out at the time of the clearing of the vessel from the port of departure or at the port at which such passenger was embarked.

Pilots neglecting to inform immigration officer of unlawful landing of passengers.

Penalty.

64. Every pilot who has had charge of any vessel having passengers on board, and knows that any passenger or stowaway has been permitted to leave the vessel contrary to the provisions of this Act, and who does not immediately upon the arrival of such vessel in the port to which he engaged to pilot her, and before the immigration officer in charge has given permission to the passengers to leave the vessel, inform the said officer that such passenger or stowaway has been so permitted to leave the vessel, shall be liable to a fine of not more than one hundred dollars and not less than ten dollars for every passenger with regard to whom he has wilfully neglected to give such information.

Right of immigrants to remain on board vessel till housing or carriage available.

65. Every immigrant or any vessel arriving at a port of entry to which the owner or master of such vessel engaged to convey him, if facilities for housing or inland carriage for such immigrant are not immediately available, shall be entitled to remain and keep his luggage on board such vessel for a period of twenty-four hours or until such facilities are available, which ever shall first occur, and the master of such vessel shall not, until such time, remove any berths or accommodation used by such immigrant.

Passengers to be landed free of expense.

66. Passengers and their luggage shall be landed from any ship by the master thereof free of expense to the said passengers, and such landing shall be either at a usual public landing place at the port of entry or at such other place as is designated by the officer in charge.

Appointment of landing places.

67. The Minister or the Superintendent of Immigration may, from time to time, by instructions to the immigration officer in charge, appoint the places at which passengers arriving at such port shall be landed.

Shelter for immigrants.

68. At the places so appointed the Minister or Superintendent of Immigration may cause proper shelter and accommodation to be provided for immigrants until they can be forwarded to their place of destination.

Explanatory Note.—The preceding six sections are from the present Act, slightly remodelled to meet the terms of this Bill.

Licenses for immigrant runners.

69. The Superintendent of Immigration may issue to agents of transportation companies, forwarding and transfer companies, hotels and boarding houses, a license authorizing such persons to exercise the vocation of immigrant runners, or of soliciting the patronage of immigrants for their respective companies, hotels or boarding houses, or of booking passengers. Such

license shall be in the form prescribed by the Superintendent of Immigration, and may at any time be cancelled by him under the direction or with the consent of the Minister.

Explanatory Note.—The issuance of these licenses is contemplated under the present Act, but it contains no direct authority for issuing or formulating them, hence this section.

Immigrants not to be solicited except by licensed persons.

70. No person shall, at any port or place in Canada, for hire, reward or gain, or the expectation thereof, conduct, solicit or recommend, either orally or by handbill or placard or in any other manner, any immigrant to or on behalf of any owner of a vessel, or to or on behalf of any inn-keeper or boarding house keeper, or any other person, for any purposes connected with the preparations or arrangements of such immigrant for his passage to his final place of destination in Canada, or elsewhere, or give or pretend to give to such immigrant any information oral, printed or otherwise, or assist him to his said place of destination, or in any way exercise the vocation of booking passengers, or of taking money for their inland fare, or for the transportation of their luggage, unless such person has first obtained a license from the Superintendent of Immigration authorizing him to act in such capacity.

Selling tickets to immigrants at excessive rates.

71. Every person licensed under this Act as an immigrant runner, or person acting on his behalf of any transportation company, or forwarding or transfer company, or hotel or boarding house, and every person in his employ, who sells to any immigrant a ticket or order for the passage of such immigrant, or for the conveyance of his luggage at a higher rate than that for which it could be purchased directly from the company or person undertaking such conveyance, and every person who purchases any such ticket from an immigrant for less than its value, or gives in exchange for it one of less value, shall incur a penalty of twenty dollars for each such offence, and the license of such person shall be cancelled.

Persons not to board vessels or enter immigrant stations without authority.

72. No licensed immigrant runner, or agent or person acting on behalf of any transportation company, or other person, shall go on board any vessel after such vessel has arrived in Canadian waters until all passengers thereon have been landed, or shall go into any immigrant station, unless he is authorized so to do by the Superintendent of Immigration or officer in charge.

List of prices to be posted in hotels and boarding-houses for immigrants.

73. Every inn-keeper or boarding house keeper in any city, town, village or place in Canada designated by any order in council, who receives into his house as a boarder or lodger any immigrant within three months after his arrival in Canada, shall cause to be kept conspicuously posted in the public rooms and passages of his house and printed upon his business cards, a list of the prices which will be charged to immigrants per day and per week for board or lodging, or both, and also the prices for separate meals, which cards shall also contain the name of the keeper of such house, together with the name of the street in which it is situate, and its number in such street.

Inn-keeper's lien limited.

2. No such inn-keeper or boarding house keeper shall have any lien on the effects of such immigrant for any amount claimed for such boarding or lodging for any sum exceeding five dollars.

Penalty on inn-keeper for detaining immigrant's effects after tender.

74. Every such inn-keeper or boarding house keeper who detains the effects of any immigrant by reason of any claim for board or lodging after he has been tendered the sum of five dollars or such less sum as is actually due for the board or lodging of such immigrant, shall incur a penalty not exceeding twenty-five dollars and not less than five dollars, over and above the value of the effects so detained, and he shall also be liable to restore such effects.

Search for effects.

2. In the event of such unlawful detention, the effects so detained may be searched for and recovered under search warrant as in the case of stolen goods.

Disposal of property of deceased immigrant parents.

75. If both the immigrant parents, or the last surviving immigrant parent of any child brought with them in any vessel bound for Canada, die on the voyage, or at any immigrant station or elsewhere in Canada while still under the care of any immigrant agent, or other officer under this Act, the Minister, or such officer as he deputes for the purpose, may cause the effects of such parents to be disposed of for the benefit of such child to the best advantage in his power, or in his discretion to be delivered over to any institution or person assuming the care and charge of such child.

Inquiry in case of complaints respecting violation of Act.

76. If complaint be made to the Minister or the Superintendent of Immigration against any company or person for any violation of this Act, in any matter relating to immigrants or immigration, the Minister may cause such inquiry as he thinks proper to be made into the facts of the case, or may bring the matter before the Governor in Council in order that such inquiry may be made under *The Inquiries Act*.

Procedure.

2. If upon such inquiry it appears to the satisfaction of the Minister that such company or person has been guilty of such violation, the Minister may require such company or person to make such compensation to the person aggrieved, or to do such other thing, as is just and reasonable; or may adopt measures for causing such proceeding to be instituted against such company or person as the case requires.

Explanatory Note.—The preceding seven sections are from the present Act, slightly remodelled to meet the terms of this Bill.

Regulations respecting employment agencies.

77. The Governor in Council may make such regulations and impose such penalties as are deemed expedient to safeguard the interests of immigrants seeking employment from any companies, firms, or persons carrying on the business of inteligence offices or employment or labour agencies at any place in Canada.

Explanatory Note.—There have been many complaints from various parts of Canada during the past year against the operations of persons who secure employment for immigrants on terms that are subsequently discovered to be oppressive and sometimes fraudulent, and who take exorbitant fees for securing or even promising to secure employment. In many cases these persons are beyond reach of the Criminal Code. It is desirable in the interests of newly arrived immigrants that the business of labour and employment agencies should be subject to such regulation as may from time to time be considered advisable by the Governor in Council.

Manifest of outbound assengers.

78. The master of every vessel embarking outbound passengers from any seaport of Canada shall, before clearance has been given for such vessel, deliver to the immigration officer in

charge a manifest in form prescribed by the regulations in that behalf giving the names of all such passengers on board such vessel, or booked to sail by such vessel, and stating in every case whether they are British subjects or aliens, and their sex, nationality and port of destination.

Penalty.

2. If the master of any vessel refuses or omits to deliver such manifest of outbound passengers he shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars for every passenger with regard to whom he has refused or wilfully neglected to give the required information, and clearance of such vessel may be refused until such manifest has been delivered to the immigration officer in charge: Provided, however, that master of vessels plying between seaports of Canada and adjacent or neighboring seaports in Newfoundland or the United States may, by written permission of the Minister or Superintendent of Immigration given to such master or to the transportation company of which he is an employee, be exempted from the requirements of this section.

Proviso.

Explanatory Note.—This is to enable the immigration officers to keep a check upon emigration from, as well as immigration into, Canada, and is desirable for many reasons. Money is being spent, for instance, to induce desirable immigration from Great Britain, both directly by the Immigration Department and indirectly by the Salvation Army and similar agencies. At present there is no way of accurately determining how many immigrants thus brought to Canada subsequently return to Great Britain. This provision will also be useful in noting the coming and going of Asiatic immigrants. The information required under this section can easily be given by every passenger on purchasing his ticket, being limited to questions of nationality, sex and port of destination.

Superintendent of Immigration to prescribe forms.

79. In addition to the forms set out in the schedule to this Act the Superintendent of Immigration, under direction or with the consent of the Minister, shall prescribe, formulate and issue such rules, notices, forms of reports and manifests, and other forms as are deemed necessary from time to time in connection with regulations made under this Act or for the use and guidance of officers under this Act, or of transportation companies and agents thereof, and masters of vessels and immigrants.

Uniforms for immigration officers.

80. The Superintendent of Immigration shall, under the direction or with the consent of the Minister, prescribe and contract for suitable uniforms and insignia for the various officers on duty at ports of entry, and the same shall be supplied to such officers, and one-third of the cost thereof shall be chargeable to such officers, or in the case of officers having their uniforms made to order a proportionate sum shall be paid to them on account thereof.

Officers to wear uniform when on duty.

81. All officers while on duty at ports of entry, or on duty elsewhere inspecting immigrants or passengers, or acting on a Board of Inquiry, or on duty in connection with the deportation of any person under this Act, shall wear the uniform prescribed for him, unless otherwise directed by the Superintendent of Immigration.

Lien on property of transportation companies.

82. Every duty and every fine or penalty imposed under the authority of this Act upon a transportation company shall, until payment thereof, be a lien upon any and all property of

such company, and may be enforced and collected by the seizure and sale of all or any such property under the warrant or process of magistrate or court before whom it has been sued for, and shall be preferred to all other liens or hypothecations except wages.

Prosecutions.

83. Every prosecution under this Act may be instituted at the place where the offender then is, before any justice of the peace having jurisdiction in such place, and may be recovered, upon summary conviction, at the suit of any officer under this Act.

Costs.

Imprisonment.

Application of penalty.

2. The justice of the peace may award costs against the offender as in ordinary cases of summary proceedings, and may also award imprisonment for a term not exceeding three months to terminate on payment of the penalty incurred, and may, in his discretion, award any part of the penalty, when recovered, to the person aggrieved by or through the act or neglect of such offender.

Proceedings when no sufficient distress.

84. If it appears to the justice, by the admission of such person or otherwise, that no sufficient distress can be had whereon to levy the moneys so adjudged to be paid, he may, if he thinks fit, refrain from issuing a warrant of distress in the case, or, if such warrant has been issued, and upon the return thereof such insufficiency, as aforesaid, is made to appear to the justice, then such justice shall, by warrant, cause the person ordered to pay such money and costs as aforesaid to be committed to goal, there to remain without bail for any term not exceeding three months unless such moneys and costs ordered to be paid, and such costs of distress and sale as aforesaid, are sooner paid and satisfied; but such imprisonment of a master or owner of any ship or official or employee of any transportation company shall not discharge the ship or other property from the lien attached thereto by the provisions of this Act.

Convictions not to be quashed for want of form.

85. No conviction or proceeding under this Act shall be quashed for want of form, nor, unless the penalty imposed is one hundred dollars or over, be removed by appeal or certiorari or otherwise into any superior court.

Warrants of commitment.

2. No warrant of commitment shall be held void by reason of any defect therein, if it is therein alleged that the person has been convicted, and there is a good and valid conviction to sustain such warrant.

Security in case of appeal.

3. In case of removal by appeal or certiorari or otherwise of any conviction or proceeding under this Act into any superior court, security shall be given to the extent of one hundred dollars for the costs of such removal proceedings to such superior court.

General penalty.

86. Every person who violates any provision of this Act, or of any order in council, proclamation or regulation thereunder in respect of which violation no other penalty is provided by this Act, shall incur a penalty not exceeding one hundred dollars.

Explanatory Note.—The preceding five sections are remodelled from the present Act to suit the terms of this Bill.

87. All provisions of this Act not repugnant to the provisions of *The Chinese Immigration Act* shall apply as well to persons of Chinese origin as to other persons. Application of Act to Chinese.

88. All expenses incurred in administering this Act and carrying out the provisions thereof, and of affording help and advice to immigrants, and aiding, visiting and relieving destitute immigrants, procuring medical assistance and otherwise attending to the objects of immigration, shall be paid out of any moneys granted by Parliament for any such purpose and under such regulations or under such orders in council, if any, as are made for the distribution and application of such moneys. Payment of cost of administering Act.

89. The Governor in Council may establish and maintain immigration offices at such places within and outside of Canada as from time to time seems proper. Immigration offices.

90. The Governor in Council may, on the recommendation of the Minister, make such orders and regulations, not inconsistent with this Act, as are considered necessary or expedient for enforcing the provisions of this Act according to the true intent and meaning thereof. Power to make further regulations.

Explanatory Note.—This is section 10 of the present Act.

91. The following Acts are repealed: Chapter 93 of the Revised Statutes, 1906; chapter 19 of the statutes of 1907; and chapter 33 of the statutes of 1908. Acts repealed.

SCHEDULE.

FORM A.

PERMIT TO ENTER CANADA.

Canada.

The Immigration Act, section 4.

To all Immigration Officers:

This is to certify that.....
(*name in full*)

of.....
(*last place of residence*)

.....
(*occupation or other description*)

is hereby permitted to enter and remain in Canada for a period of.....from the date hereof free from examination or other restrictions under The Immigration Act.

Dated at Ottawa this.....day of.....19 .....

.....
Minister of the Interior.

{ Seal of the Department of the Interior. }

FORM AA.

CANCELLATION (OR EXTENSION) OF PERMIT.

Canada.

The Immigration Act, section 4.

To all Immigration Officers:

This is to certify, that the Permit to Enter Canada issued to.....of.....
(*name in full*) (*last place of residence*)
on the.....day of.....19....is hereby cancelled (*or* is hereby extended for a further period of.....from the date hereof.)

.....
Minister of the Interior.

{ Seal of the Department of the Interior. }

FORM B.

ORDER FOR DEPORTATION

OF PERSON NOT LANDED.

Canada.

The Immigration Act, section 33.

To.....
(*transportation company*)
and to.....
(*person rejected*)
Port of Entry.....
Province of.....

This is to certify that .....
(*name in full*)
of.....
(*last place of residence*)
a person seeking to enter Canada at this port, ex.....
(ship *or* train)
from.....which arrived at this port on.....at.....o'clock has this day been examined by the Board of Inquiry (*or* officer in charge) at this port, and has been rejected for the following reasons:

.....
.....
.....
(*here state reasons in full*)

And after expiry of..... hours the said..... is hereby ordered to be deported and conveyed to the place from which he came. Such conveyance shall be the next available ship or train of the transportation company which brought him to Canada.

Dated at.....this.....day of .....19.....

.....

Chairman of the Board of Inquiry (*or* Immigration Officer in Charge).

NOTICE TO PERSON ORDERED TO BE DEPORTED.

If you claim to be a Canadian citizen, you have the right to consult counsel and appeal to the courts against deportation.

In all other cases you may appeal to the Minister of the Interior against any decision of the Board of Inquiry or officer in charge whereby you are ordered to be deported unless such decision is based upon a certificate of the examining medical officer that you are affected with a loathsome disease or a disease which may become dangerous to the public health. The formal notice of appeal will be supplied to you by the immigration officer in charge upon request and upon deposit of the sum of twenty dollars for the cost of your maintenance, and the sum of ten dollars for the maintenance of each person dependent upon you, until the Minister has decided upon your case.

FORM C.

NOTICE OF APPEAL.

Canada.

The Immigration Act, section 19.

To the Minister of the Interior,
Ottawa, Canada.

I,.....of.....
(*name in full*) (*last place of residence*)
hereby appeal from the decision of the Board of Inquiry (*or* officer in charge) at this port whereby my application to enter Canada has been rejected, and I have been ordered to be deported to.....

.....

And I deposit herewith the sum of twenty dollars for cost of my maintenance, and ten dollars for the maintenance of each person dependent upon me pending your decision.

Dated at.....the ..... day of.....19....

.....
Appellant.

FORM D.

ORDER FOR DEPORTATION,

WHEN PERSON HAS LANDED.

Canada.

The Immigration Act, section 43.

By the Minister:

To all or any officers under The Immigration Act:
And to all or any constables or peace officers in Canada:

Whereas it has been shown by evidence satisfactory to me that.....of.....
is not a Canadian citizen and that he advocated in Canada the

overthrow of the Government of Canada by force or violence (*or as the case may be*).

Now know you that I..... Minister of the Interior under and by virtue of the authority conferred by section 43 of The Immigration Act, do hereby order you or any of you in His Majesty's name forthwith to apprehend the said..... and thereupon to take and convey the said..... to the Immigrant Station at..... and there deliver him to the Immigration officer in charge of the said station, together with this order:

And I hereby order you, the said officer in charge, to receive the said.....into your custody in the said station, and there safely to keep the said..... for deportation to such place at such time, and by such ship or train or other mode of conveyance as shall be directed by the Superintendent of Immigration.

Dated at.....this..... day of.....19...

.....

Minister of the Interior.

{ Seal of the Department of the Interior. }

FORM DD.

ORDER TO LEAVE CANADA.

Canada.

The Immigration Act, section 43.

Approved by the Governor in Council, this..... day of .....19....
Clerk of the Council.

By the Minister:

To.....of.....

Whereas it has been shown by evidence satisfactory to me that you advocated in Canada the overthrow of the Government of Canada by force or violence (*or as the case may be*).

Now know you that I,....., the Minister of the Interior, under and by virtue of the authority conferred upon me by section 43 of The Immigration Act, do

hereby order you, the said....., within .....days after the service of this order upon you, or after its being left for you at your last known address or place of abode, to leave and depart from Canada, and not to return.

Dated at Ottawa this.....day of.....19...

.....
Minister of the Interior.

{ Seal of the Department of the Interior. }

FORM DDD.

ORDER FOR DEPORTATION

OF CERTAIN SUSPECTED CRIMINALS.

Canada.

The Immigration Act, section 46.

By the Minister (*or* Superintendant of Immigration):

To all or any officers under The Immigration Act;

And to all or any constables or peace officers in Canada.

Whereas, it has been shown by evidence satisfactory to me that.....of..... has entered Canada (*or* remains in Canada) contrary to the provisions of The Immigration Act:

Now know you that I, ...the Minister of the Interior (*or* Superintendent of Immigration) under and by virtue of the authority conferred upon me by section 46 of the said Act, do hereby order you or any of you in His Majesty's name forthwith to apprehend the said..... and thereupon to take and convey the said.....to the Immigrant Station at.....and there to deliver him to the Immigration Officer in charge, together with this Order.

And I hereby order you, the said Officer in Charge, to receive the said.....into your custody safely, to keep him at an Immigrant Station for deportation to such place, at such time, and by such ship or train, or other mode of conveyance, as shall be directed by the Superintendent of Immigration.

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

.....
Minister of the Interior
(*or* Superintendent of Immigration.)

{ Seal of the Department of the Interior. }

FORM E.

ORDER OF THE MINISTER OF JUSTICE.

Canada.

The Immigration Act, section 41.

To.....
(Governor *or* Warden of gaol, prison, reformatory *or* penitentiary)—

Whereas.....of.....
has within three years of landing in Canada become an inmate of....., having been convicted of the crime of.....
And whereas, under the provisions of The Immigration Act, I have been requested by the Minister of the Interior to issue an order to you, the said.....
(warden *or* governor, *as the case may be*)
to detain the said.....after expiry of his sentence, or term of imprisonment, and to deliver him to the officer named in the warrant of the Superintendent of Immigration with a view to the deportation of the said.....
.....

Now know you that I, the Minister of Justice of Canada, do hereby, under the provisions of the said Act, order you, the said ..... to detain and deliver the said.....
(warden *or* governor)
to.....the officer authorized by warrant of the Superintendent of Immigration, to receive the said..... from you with a view to his deportation under the provisions of the said Act.

For which this shall be your sufficient warrant.

Dated at Ottawa this .....day of .....19..

.....
Minister of Justice.

{ Seal of the Department of the Interior. }

FORM EE.

WARRANT OF THE SUPERINTENDENT OF IMMIGRATION.

Canada.

The Immigration Act, section 41.

By the Superintendent of Immigration:

To.....of.....
Whereas.....of.....
has within three years of his landing in Canada become an inmate of.....
(gaol, prison, reformatory *or* penitentiary)

And whereas, under the provisions of The Immigration Act, the Minister of the Interior has ordered the deportation of the said..... and has applied to the Minister of Justice for an order addressed to the .....
(governor *or* warden)
of the said .....
(gaol, prison, reformatory *or* penitentiary)
commanding him to detain and deliver the said..... into your custody after expiry of his sentence or term of imprisonment in the said .....
(gaol, prison, reformatory *or* penitentiary)
with a view to his deportation under the provisions of the said Act.

Now know you that I,....., Superintendent of Immigration, do hereby order you to receive the said ..... and him safely to keep
(*name of prisoner*)
and to convey through any part of Canada, and him to deliver to the transportation company which brought him to Canada, with a view to his deportation to the port from which he came to Canada.

For which this shall be your sufficient warrant.

Dated at Ottawa this.....day of .....19...

.....
Superintendent of Immigration.

{ Seal of the Department of the Interior. }

1st Session, 11th Parliament, 8-9 Edward VII.

THE HOUSE OF COMMONS
OF CANADA.

BILL 17.

An Act respecting Immigration.

First reading, January 28, 1909.

MR. OLIVER

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

No. 18.] **BILL.** [1909

An Act to amend the Animal Contagious Diseases Act.

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

R. S., c. 75, s. 6 amended.

Compensation to owners of diseased animals.

1. Subsection 1 of section 6 of *The Animal Contagious Diseases Act*, chapter 75 of the Revised Statutes, 1906, is amended by adding thereto the following:—

"but, except as hereinafter provided, such value shall not exceed, in the case of grade animals, one hundred and fifty dollars for each horse, sixty dollars for each head of cattle, and fifteen dollars for each pig or sheep; and, in the case of pure bred animals, three hundred dollars for each horse, one hundred and fifty dollars for each head of cattle, and fifty dollars for each pig or sheep."

Basis of compensation. S. 7 amended.

2. Section 7 of the said Act is amended by adding after the word "animal" in the second line thereof the words, "determined as aforesaid" and by striking out after the word "affected," in the fourth line, all the words up to and including the word "sheep," in the tenth line.

Evidence of disease. S. 32 amended.

3. Section 32 of the said Act is amended by adding after the word "disease" in the seventh line, the following words,—"or of the suspicion of such disease."

No. 18.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to amend the Animal Contagious Diseases Act.

First reading, January 28, 1909.

MR. FISHER.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

No. 19.] **BILL.** [1909

An Act to amend the Post Office Act.

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

1. Paragraph (*k*) of subsection 1 of section 9 of *The Post Office Act*, chapter 66 of the Revised Statutes, 1906, is amended by adding thereto the words "and to compensate for loss not exceeding twenty-five dollars for each registered domestic article." Compensation for loss of registered matter. R.S., c. 66, s. 9 amended.

No. 19.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to amend the Post Office Act.

First reading, January 28, 1909.

Mr. Lemieux.

OTTAWA
Printed by W. McMahon
Printer to the King's most Excellent Majesty
1909

No. 20.] **BILL.** [1909

An Act to amend the Government Railways Act.

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

1. *The Government Railways Act*, chapter 36 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 28 thereof:— R.S., c. 36 amended.

"**28A.** When any horses, sheep, swine or other cattle at large, whether upon the highway or not, get upon the railway and are killed or injured by a train, the owner of any such animal so killed or injured shall, except in the cases otherwise provided for by the next following section, be entitled to recover the amount of such loss or injury against His Majesty in any action in any court of competent jurisdiction, unless His Majesty establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent. Cattle killed or injured on railway. Burden of proof.

"2. The fact that any such animal was not in charge of some competent person or persons shall not, if the animal was killed or injured upon the railway, and not at the point of intersection with the highway, deprive the owner of his right to recover." Right to recover preserved.

2. Section 29 of the said Act, as enacted by section 1 of chapter 31 of the statutes of 1908, is repealed and the following is substituted therefor:— New s. 29.

"**29.** No person whose horses, cattle, or other animals are killed or injured by any train shall have any right of action or be entitled to compensation in respect of such horses, cattle, or other animals being so killed or injured, if they were so killed or injured by reason of any person— No right of action if

"(*a*) for whose use any farm crossing is furnished failing to keep the gates at each side of the railway closed, when not in use; or gates not closed,

"(*b*) wilfully leaving open any gate on either side of the railway provided for the use of any farm crossing, without some person being at or near such gate to prevent animals from passing through the gate on to the railway; or, or wilfully left open,

"(*c*) other than an officer, employee or servant of His Majesty while acting in the discharge of his duty, taking down any part of a railway fence; or, or fence taken down,

"(*d*) turning any such horse, cattle, or other animal upon or within the inclosure of any railway, except for the purpose of or cattle turned within

railway enclosure,

and while crossing the railway in charge of some competent person using all reasonable care and precaution to avoid accidents; or,

or railway used without consent.

"(*e*) except as authorized by this Act, without the consent of His Majesty, riding, leading or driving any such horse, cattle, or other animal, or suffering them to enter upon any railway, and within the fences and guards thereof."

No. 20.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to amend the Government Railways Act.

First reading, January 28, 1909.

MR. GRAHAM.

OTTAWA
Printed by W. McMahon
Printer to the King's most Excellent Majesty
1909

No. 21.] **BILL.** [1909

An Act to amend the Railway Act.

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

1. *The Railway Act*, chapter 37 of the Revised Statutes, is amended by inserting the following section immediately after section 360 thereof:— R.S., c. 37. New section.

"RATES FOR ELECTRICAL POWER, ETC.

"**360A.** Where, in any case, water power has been acquired under lease from the Crown for the development of electricity, and a condition or provision of such lease is, in effect, that in the case of any dispute arising or non-agreement between the lessee from the Crown and an applicant for the purchase of electricity so developed as to the price to be paid for such electricity the Board shall determine and fix such price, then, and in any such case, the Board shall have power to determine and fix the maximum price which the lessee may demand from such applicant, and at which the lessee shall furnish such electricity if the applicant shall then require it. In disputes between lessee of water power and applicant for electricity Board may fix price.

"2. For the purpose of determining and fixing such price the Board may enter on and inspect the property leased from the Crown and all erections and machinery thereon, and may examine all papers, documents, vouchers, records and books of every kind, and may order and require the lessee and any other persons to attend before the Board and be examined on oath, and to produce all papers, documents, vouchers, records and books of every kind; and for the purposes aforesaid the Board shall have all such powers, rights and privileges as are vested in a superior court." Powers of Board for such purpose.

2. Sections 370, 371 and 372 of the said Act are repealed, and the following sections are substituted therefor:— New sections 370, 371, 372.

"**370.** Every company shall annually prepare returns, in accordance with the forms for the time being required and furnished by the Minister, of its capital, traffic and working expenditure and of all other information required. Annual returns.

"2. Such returns shall be dated and signed by and attested upon the oath of the secretary, or some other chief officer of the company, and shall also be attested upon the oath of the president, or, in his absence, of the vice-president or manager of the company. Attestation.

Period included.

"3. Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company extend, or, if no such returns have been previously made, from the commencement of the operation of the railway, and ending with the last day of June in the then current year.

Duplicate for Minister.

"4. A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Minister within one month after the first day of August in each year.

Returns to be laid before Parliament.

"5. The Minister shall lay before both Houses of Parliament, within twenty-one days from the commencement of each session thereof, a statistical report prepared in the Department of Railways and Canals covering the returns made and forwarded to him in pursuance of this section.

Traffic returns weekly.

"**371.** Every company, if required by the Minister so to do, shall prepare returns of its traffic weekly, that is to say, from the first to the seventh of the month inclusive, from the eighth to the fourteenth inclusive, from the fifteenth to the twenty-first inclusive, and from the twenty-second to the close of the month inclusive.

Form.

"2. Such returns shall be in accordance with the forms for the time being required and furnished by the Minister.

Copy to Minister.

"3. A copy of such returns, signed by the officer of the company responsible for the correctness of such returns, shall be forwarded by the company to the Minister within seven days from the day to which the said returns have been prepared.

Extension of time.

"4. The Minister may in any case extend the time within which such returns shall be forwarded.

Semi-annual return of accidents.

"**372.** Every company, if required by the Minister so to do, shall, on six months notice and within one month after the first days of January and July in each year, make to the Minister, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties, whether to life or property, which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth—

"(*a*) the causes and natures of such accidents and casualties;

"(*b*) the points at which they occurred, and whether by night or by day; and,

"(*c*) the full extent thereof, and all particulars thereof.

Copies of by-laws.

"2. Such company shall also, when required by the Minister so to do, return a true copy of the existing by-laws of the company, and of its rules and regulations for the management of the company and of its railway.

Form.

"3. The Minister may order and direct, from time to time, the form in which such returns shall be made."

Schedules repealed.

3. Schedules one and two to the said Act are repealed.

No. 21.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to amend the Railway Act.

First reading, January 28, 1909.

MR. GRAHAM.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 22.] **BILL.** [1909

An Act respecting the hours of labour on Public Works.

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

Eight-hour day.

1. Every contract to which the Government of Canada is a party, which may involve the employment of labourers, workmen or mechanics, shall contain a stipulation that no labourer, workman or mechanic in the employ of the contractor or subcontractor, or other persons doing or contracting to do the whole or a part of the work contemplated by the contract, shall be permitted or required to work more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood or danger to life or property.

Stipulation in contracts.

2. Every such contract hereafter made shall contain a provision that unless the person or corporation making or performing it complies with the provisions of this Act, the contract shall be void and the person or corporation shall not be entitled to receive any sum, nor shall any officer, agent or employee of the Government of Canada pay or authorize payment from the funds under his charge or control to the person or corporation, for work done upon or in connection with the contract which in its form or manner of performance violates the provisions of this Act.

Day labour.

3. This Act shall apply to work undertaken by the Government of Canada by day labour.

No. 22.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting the hours of labour on Public Works.

First reading, January 28, 1909.

Mr. Verville.

OTTAWA
Printed by W. McMahon
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act respecting the Alberta Central Railway Company.

[*Reprinted as amended and reported by the Railway Committee of the House of Commons.*]

Preamble.

1901, c. 44; 1903, c. 75; 1907, c. 56.

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:—

Branch lines authorized.

1. The Alberta Central Railway Company, hereinafter called "the Company," may lay out, construct and operate the following branch lines of railway: (*a*) from its westerly terminus near Rocky Mountain House to a point on the Grand Trunk Pacific Railway in or near the Yellowhead Pass; (*b*) from its easterly terminus near the elbow of the Battle River to a point at or near Saskatoon or Warman; (*c*) from a point on its main line east of Red Deer southerly and easterly to a point at, in or near Moose Jaw

Capital increased.

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

Issue of securities.

3. 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.

1901, c. 44, ss. 4 and 9 repealed.

4. Sections 4 and 9 of chapter 44 of the statutes of 1901 are repealed.

Time for construction of railway extended.

5. The Company may commence the construction of the railways authorized by chapter 44 of the statutes of 1901, chapter 75 of the statutes of 1903, and by this Act, and may expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced and such expenditure is not so made, or if the said railways are not so completed and put in operation within the said periods respectively, the powers of construction

conferred upon the Company by Parliament shall cease and be null and void as respects such portion of the said railways as then remains uncompleted.

1907, c. 56, s. 3 repealed.

6. Section 3 of chapter 56 of the statutes of 1907 is repealed.

23.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act respecting the Alberta Central Railway Company.

[Reprinted as amended and reported by the Railway Committee of the House of Commons.]

(PRIVATE BILL.)

MR. MCINTYRE, (Strathcona.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

No. 24.] **BILL.** [1909

An Act respecting the Edmonton and Slave Lake Railway Company.

Preamble. 1899, c. 66; 1902, c. 61; 1903, c. 18; 1904, c. 74.

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:—

Time for construction of railway extended.

1. Unless the Edmonton and Slave Lake Railway Company completes and puts in operation within five years after the passing of this Act the railway authorized by section 8 of chapter 66 of the statutes of 1899, from a point in the town of Edmonton, via Athabasca Landing and Lesser Slave Lake, to Peace River, a distance of about four hundred miles, the powers granted for its construction shall cease and determine with respect to so much of the said railway as then remains uncompleted.

No. 24.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting the Edmonton and Slave Lake Railway Company.

First reading, January 29, 1909.

(PRIVATE BILL.)

MR. MCINTYRE,
(Strathcona.)

OTTAWA
Printed by W. MCMAHON
Printer to the King's most Excellent Majesty
1909

No. 25.] **BILL.** [1909

An Act respecting the joint section of the Canadian Pacific Railway Company and the Grand Trunk Pacific Railway Company at Fort William, Ontario.

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

1. The agreement, set out in the schedule hereto, between the Canadian Pacific Railway Company and the Grand Trunk Pacific Railway Company, bearing date the first day of December, one thousand nine hundred and eight, respecting the joint section of the two companies at Fort William, Ontario, is hereby confirmed and declared to be valid and binding upon the parties thereto and upon all other persons in every respect as if the said agreement had been enacted hereby, and each of the parties thereto and all others concerned are hereby authorized and empowered to do whatever is necessary in order to give effect to the provisions of the said agreement in accordance with the substance and intention thereof: Provided that nothing in the said agreement shall be taken to override any of the provisions of *The Railway Act* applicable to the construction and operation of the Joint Section mentioned in the said agreement. Agreement in schedule confirmed. Proviso.

SCHEDULE.

This agreement made this first day of December, A.D. 1908, between The Canadian Pacific Railway Company, hereinafter called the "Canadian Pacific," of the first part, and The Grand Trunk Pacific Railway Company, hereinafter called "the Grand Trunk Pacific," of the second part.

Witnesseth that, the expression "Joint Section," shall mean and include the land forming a portion of the railway of the Canadian Pacific extending from the intersection of the south side of Rebecca Street or Empire Avenue, produced with the east side of Syndicate Avenue in the city of Fort William, to the crossing of the Canadian Northern Railway between Fifth and Sixth Avenues in the city of Port Arthur, as shown in red on the plan identified herewith (and made part of this Agreement) by being signed by the Assistant Chief Engineer of the Western lines of the Canadian Pacific, and by the Chief Engineer

of the Grand Trunk Pacific, and a blue print of which is hereunto annexed, and as more particularly described in Schedule "A" hereto, together with all additional land hereinafter by mutual agreement between the said parties acquired or set apart for the joint use of the parties hereto, upon and under the terms hereof, and together with the road, road-bed, tracks, side-tracks, bridges, switches, station, tanks, coal-chutes, yard facilities, buildings, structures and all other appurtenances whatsoever, located upon the said land or which shall under the terms hereof or by mutual agreement between the parties at any time hereafter during the continuance of this Agreement be for joint use located, erected or constructed upon the said lands; also any track or tracks of railway constructed under the provisions hereof, on, upon or along Hardisty, McKellar, Main, Walsh and Harold Streets, or any of them for which authority was given by the town of Fort William to the Grand Trunk Pacific as set forth in chapter 48 of the Acts passed by the Legislature of Ontario in the fifth year of the reign of His Majesty King Edward the Seventh, and in the Argeement Schedule "A," appended thereto, when and so soon as any such track or tracks or parts thereof are constructed with the approval of the Board of Railway Commissioners for Canada as hereinafter provided and also all industrial spurs and sidings used jointly by the parties hereto under the provisions hereof on the north-westerly side of any track or tracks on the land hereinbefore firstly described and extending from the north-westerly side of such track or tracks on said land or on the north-westerly side of and extending from any of said track or tracks or railway upon the said streets when such track or tracks or railway or parts thereof are constructed as herein mentioned.

And whereas the Grand Trunk Pacific desires to have track connection between its railway and the railway of the Canadian Pacific at the said points and as indicated upon the said plan, and to operate its trains and move its traffic upon and over the said Joint Section and to include in this Agreement certain rights claimed by it under said Act and Agreement as hereinafter mentioned, and the Canadian Pacific has agreed thereto upon and subject to the terms, conditions and provisions hereinafter contained.

Therefore the parties hereto respectively covenant and agree each with the other of them as follows:—

1. The Canadian Pacific grants to the Grand Trunk Pacific upon and subject to the terms, provisions, covenants and conditions hereinafter contained and subject to the ratification and confirmation of this Agreement by the Parliament of Canada as hereinafter mentioned the right and privilege for and during the term of nine hundred and ninety-nine years from the date hereof to connect its tracks with the tracks of the Canadian Pacific at or in the vicinity of Empire Avenue in the city of Fort William, and at or in the vicinity of the Canadian Northern crossing between Fifth and Sixth Avenues in the city of Port Arthur as indicated upon the said plan, and jointly and equally, in common with the Canadian Pacific, to use, occupy and enjoy the said Joint Section subject to and in accordance with the terms hereof.

2. Except where otherwise herein provided the parties hereto shall have and enjoy in all respects equal rights to the use of the said Joint Section, and the trains of the Grand Trunk Pacific, shall, except as hereinafter otherwise provided, be in every respect treated by the officers, agents and employees in charge or control of or engaged upon the Joint Section as trains of a similar class of the Canadian Pacific thereon, and shall equally have preference over trains of an inferior class belonging to either of the parties; but the trains of the several classes of the Canadian Pacific shall have precedence on the Joint Section over the trains of the Grand Trunk Pacific of the same or inferior classes, and the trains of the Grand Trunk Pacific shall have precedence over the trains of the Canadian Pacific of inferior classes. It is understood that, subject as in this Agreement provided, the Grand Trunk Pacific shall have the right to run all classes of trains over the Joint Section. The main tracks of the Joint Section shall, as far as practicable, be kept unobstructed for the use of the regular trains of both parties.

3. The schedule for the arrival at or departure from Fort William of the trains of the Grand Trunk Pacific over the Joint Section shall be fixed from time to time by agreement between the Superintendents of the parties hereto having charge of the operation of the railway in which the Joint Section is situated. Reasonable notice of any desired change thereof shall be given by such Superintendent of the Grand Trunk Pacific to such Superintendent of the Canadian Pacific, who shall thereupon make and furnish to the Grand Trunk Pacific, as far as it is practicable, the proper schedule or time card for the movement of all trains of both parties on the Joint Section which schedule shall give precedence on the Joint Section to the trains of the several classes of the Canadian Pacific over the trains of the Grand Trunk Pacific of the same or inferior classes and to the trains of the Grand Trunk Pacific over the trains of the Canadian Pacific of inferior classes. In case of any dispute arising as to the said schedule or as to the speed of any trains, it shall, in case the parties fail to agree, be referred to and settled by arbitration in the manner hereinafter provided. When the trains of the Grand Trunk Pacific are run behind time their movements shall be directed or controlled in the same manner as trains of a similar class of the Canadian Pacific when out of schedule time.

4. The Canadian Pacific Superintendent or other official or officials having jurisdiction over and charge of the Joint Section and the signalmen, despatchers, operators, agents, clerks, station-baggagemen, switchmen, gatemen, flagmen, bridge tenders, trackmen and all others employed on or engaged in the operation or maintenance, repair or renewal of the Joint Section or any other work thereon or on any portion thereof or in controlling the movement of trains or cars over the Joint Section (not including trainmen), and all agents or servants whose salaries or wages in whole or in part are included in the expenses connected with the maintenance, repair and operation of the Joint Section, shall, while so employed or engaged, be deemed to be common agents or employees of both parties hereto, and they shall render equally to each party such ser-

vices as they should render within the scope of their positions and employment and shall be subject to dismissal, if they decline, neglect or refuse to render such assistance and service to either party as such employees are usually called upon to render or for other good cause shown and demonstrated by the Grand Trunk Pacific to the Canadian Pacific. The trains, engines and cars and the conductors, enginemen, trainmen and other employees of the Grand Trunk Pacific connected with its trains, engines and cars, shall while on the Joint Section, be subject to the rules and regulations of the Canadian Pacific and to the orders of the managers, superintendents, train-masters, train despatchers, and of all other officials of the Canadian Pacific having authority in that behalf, in matters relating to the movement of trains or in any way affecting the safe and proper working of the Joint Section; and the Grand Trunk Pacific shall, on demand, for reasonable cause stated by the Canadian Pacific remove from the Joint Section any such conductor, trainman, engineman or other employee in its employment. And the Canadian Pacific shall on demand for reasonable cause stated by the Grand Trunk Pacific remove from the Joint Section any conductor, trainman, engineman or other employee in its employment.

5. All loss, damage or injury whether to property of either Company party hereto, or in its custody or to its employees or to the passengers of such Company, or to the Joint Section, or to common employees or agents, and generally all loss and damage of whatever description by whomsoever sustained, caused by the negligence of one Company or its exclusive employees (not common agents or employees) shall be assumed and borne by such Company, but this clause shall not give to any third party any claim or cause of action.

6. In case of loss, damage or injury such as is referred to or described in the next preceding paragraph hereof caused by the negligence of a common agent or employee, the amount thereof shall be charged to and paid as part of maintenance and repair expenses for the month in which such loss, damage or injury happened, but this clause shall not give any third party any claim or cause of action.

7. In case of loss, damage or injury such as is referred to or described in paragraph 5 hereof caused jointly by the negligence of a common agent, employee or employees and of an exclusive employee or employees of one of the parties, the amount thereof shall be assumed and borne as to one-half thereof by the party whose exclusive employee contributed to the same and the remaniing one-half thereof shall be charged to and paid as part of maintenance and repair expenses for the month in which such loss, damage or injury happened, but this clause shall not give any third party any claim or cause of action.

8. The parties hereto shall severally assume and bear all loss, damage and injury sustained by them respectively not coming under paragraphs 5, 6 or 7 hereof.

9. In case of any wreck occurring within or upon the Joint Section, caused as mentioned in one or the other of paragraphs 5, 6 and 7 hereof, the expense of removing the same and of repairs to the Joint Section necessitated by such wreck, shall be

borne accordingly as determined by paragraphs 5, 6 and 7 hereof.

10. In case of any wreck occurring within or upon the Joint Section proximately caused by negligence of both parties hereto or their respective employees (not common agents or employees or caused by inevitable accident) the expense of removing the same and of repairs to the Joint Section necessitated by such wreck shall be expenses chargeable to maintenance and repair for the month in which such wreck occurred.

11. In case of any wreck occurring within or upon the Joint Section proximately caused jointly by the negligence of a common agent, employee or employees and of an exclusive employee or employees of one of the parties, the expense of removing the same and of repair to the Joint Section necessitated by such wreck shall be borne as to one-half thereof by the party whose exclusive employee contributed to the same and the remaining one-half shall be an expense chargeable to maintenance and repair for the month in which such wreck occurred.

12. In case proceedings are commenced against either party hereto for damage which the other agrees herein to assume or bear the company proceeded against may give notice thereof to the other, and thereupon the last named company shall assume the defence of said proceedings and save the company proceeded against harmless from all loss and costs. And in case proceedings are commenced against both parties hereto for damage which is to be assumed or borne by one of them alone, such one shall assume the defence of said proceedings and save the other party hereto harmless from all loss and costs. In case proceedings are commenced against one party hereto for damage for which hereunder both parties may be liable to contribute the other party will join or assist in defending and any costs which may be awarded shall be borne in the proportions provided for in paragraphs 5, 6 and 7, as the case may be.

13. In case the parties cannot agree under which of the provisions contained in paragraphs 5, 6, 7, 8, 9, 10 and 11 hereof the loss, damage, injury or expense hereinbefore referred to shall be assumed, charged or borne, the question as to how the said loss, damage, injury or expense was occasioned shall be referred to arbitration in the manner hereinafter provided for the settlement of differences and disputes arising under this agreement, and in all such cases the award of the arbitrators shall be final in determining the question in dispute, and shall prevail over any contrary finding of a Court or Jury in an action instituted by any third person or company, and in which both the parties hereto are not represented; provided, however, that if both parties are represented the finding of such Court or Jury shall prevail.

14. The Canadian Pacific shall provide and construct the necessary interlocking and other protective appliances that may be required at the points of junction of the Grand Trunk Pacific's tracks with the tracks of the Canadian Pacific; the cost of providing and constructing said interlocking and other protective appliances shall be added to capital account.

15. The Grand Trunk Pacific agrees with the Canadian Pacific that it will endeavour to have confirmed and approved by the Board of Railway Commissioners for Canada subject as hereinafter mentioned, the grant of the right and the right to build and operate its railway and tracks on the following streets and highways in the city of Fort William, namely: Hardisty, McKellar, Main, Walsh and Harold Streets according as and to the extent such rights are granted and set forth in an agreement between the city of Fort William and the Grand Trunk Pacific dated the 29th day of March, A.D. 1905, and being Schedule "A" to chapter 48 aforesaid, and for that purpose will make application to the said Board which application the Canadian Pacific agrees to support subject however to the right and privilege of the Canadian Pacific at any and all times hereafter to construct and operate across any such tracks and railway on said streets, any spurs or sidings the Canadian Pacific may desire to construct and operate from or connecting with any other tracks of the Joint Section in accordance with the terms of this Agreement.

16. The Grand Trunk Pacific hereby gives to the Canadian Pacific the right and privilege at any time and from time to time without the necessity of special or any further permission on the part of the Grand Trunk Pacific to construct under the authority of the Grand Trunk Pacific all or any portion of such railway or tracks along and across the following streets and highways, namely: Hardisty, McKellar, Main, Walsh and Harold Streets authorized or permitted by the said Agreement, and the expense thereof in the first instance shall be borne by the Canadian Pacific but shall be carried to capital account and form part thereof.

The Grand Trunk Pacific shall not exercise any right it may or claims to have to build or build any such part of its said railway or tracks along, or across the said streets or highways or any of them, namely: Hardisty, McKellar, Main, Walsh and Harold Streets, between Empire Avenue and Pacific Avenue, as mentioned in said Agreement.

17. The Canadian Pacific shall have the exclusive right and privilege to and may construct spurs and sidings from and connecting with any track or tracks on the Joint Section and may and shall have the right to cross any track or tracks that may be constructed on the said streets or any of them with any spur or siding by means of cross-over switches, diamonds or other appliances, and the Grand Trunk Pacific shall have the right, subject to the terms and provisions hereof, to use any and all industrial spurs or sidings on the north-westerly side of the Joint Section and extending from the north-westerly side thereof, but not the right to use any spur or siding on the south-easterly side (or side toward the Kaministiquia River or Thunder Bay) of said Joint Section; all such north-westerly spurs or sidings hereafter constructed shall be provided by the Canadian Pacific and the cost thereof, save as hereinafter provided, added to capital account. If the Grand Trunk Pacific does not desire to use any such newly constructed north-westerly spur or siding and so intimates in writing to the Canadian Pacific within thirty days after the construction thereof, the cost thereof shall be borne wholly by the Canadian Pacific, which shall thereafter be

entitled to the exclusive use and enjoyment of such spur or siding, and shall bear all cost and expense of maintenance and repair thereof. If the Grand Trunk Pacific shall request the Canadian Pacific to build any particular spur or siding on the north-westerly side of and from said Joint Section the same shall be constructed by the Canadian Pacific without delay, and if the Canadian Pacific intimates in writing to the Grand Trunk Pacific within thirty days after the construction thereof that it does not desire to use such spur or siding the whole cost thereof shall be charged to the Grand Trunk Pacific who shall forthwith pay the amount thereof to the Canadian Pacific and after such payment the Grand Trunk Pacific shall be entitled to the exclusive use and be at the entire cost of the maintenance and repair thereof. All industrial spurs and sidings connected with and extending from the north-westerly side of the said Joint Section and used jointly by the parties hereto as herein provided shall form part of the Joint Section.

18. The Grand Trunk Pacific will consent to and assist in the Canadian Pacific having that part of Hardisty and McKellar Streets opposite to and in front of the site for the proposed new station closed by the city of Fort William and conveyed to the Canadian Pacific and the said part of street when so closed and conveyed to the Canadian Pacific shall form part of the Joint Section and the cost thereof shall be added to capital account.

19. The Canadian Pacific shall in accordance with the plans and specifications approved by both parties construct and fully equip on a site to be selected by the Canadian Pacific upon the lands comprised in the Joint Section, or upon additional land owned or hereafter acquired by the Canadian Pacific between Duncan and Dease Streets for the purpose thereof (which additional land if and when acquired shall form part of the Joint Section) a passenger station and office building suitable for the joint use of the parties hereto and the cost thereof is to be carried and added to capital account.

0. The maintenance, repair and operation of the Joint Section and of the switches connecting the tracks of the Grand Trunk Pacific with the tracks of the Canadian Pacific and of any protective appliances in connection therewith that may be ordered by the Board of Railway Commissioners for Canada, shall be undertaken by the Canadian Pacific and all work incident thereto shall be done under the direction and supervision of the proper officers of the Canadian Pacific, but unless the Grand Trunk Pacific shall notify the Canadian Pacific in writing from time to time of any defects in respect of the repair and maintenance of the Joint Section or of any part thereof pointing out such defects it shall be taken and assumed as between the parties hereto that the said Joint Section is properly maintained and repaired and the Canadian Pacific shall not be responsible for any loss or damage to the Grand Trunk Pacific unless it is notified as aforesaid of any such defects and the Canadian Pacific has neglected to remedy such defects within a reasonable time thereafter.

21. The expense chargeable to maintenance and repair of the Joint Section shall be payable by the Canadian Pacific in the first instance and shall include—

(a) The cost of repairs and renewals of tracks and of all structures comprised within and forming part of the Joint Section required for the proper maintenance of such tracks and switches including as well the cost plus transportation (not at tariff rates but as charged by the Canadian Pacific in respect of similar material for its railway not part of the Joint Section) of all materials required therefor and the labour incidental thereto, provided that the value of the rails, iron and other materials renewed or replaced shall be credited to maintenance and repair account.

(b) The cost of and incidental to works of protection and protecting the public and the trains and cars of the parties hereto respectively at all crossings of every kind on the Joint Section where protection may be required by law or where it may be deemed necessary by the parties hereto; also the cost of maintenance and operation of the switches connecting the tracks of the Grand Trunk Pacific with the tracks of the Canadian Pacific, including the maintenance and operation of any interlocking plant or protective appliances in connection therewith also the cost of and incidental to the maintenance and operation of any works required for carrying out any order, rule or regulation made by the Board of Railway Commissioners for Canada or by any legally constituted authority whether Dominion, Provincial, Municipal or otherwise affecting the Joint Section or any part thereof, unless the said Board or authority otherwise orders.

(c) All rates, taxes and assessments whether Governmental, Municipal or otherwise charged against and payable upon or in respect of the Joint Section or any portion thereof.

(d) Insurance Premiums, if any, payable in respect of structures on the Joint Section.

(e) The entire salaries, wages and expense accounts of all employees engaged exclusively in work on or in connection with the Joint Section; a fair proportion of the salaries, wages and expense accounts of all such employees as may be partially or occasionally engaged in work on or in connection with the Joint Section, such proportion to be adjusted between the parties and varied from time to time as conditions may warrant.

(f) Such other cost incurred in the maintenance, repair or renewal of the Joint Section, not including the foregoing as according to the usual practice of railway companies are properly chargeable to maintenance.

22. An account shall be kept by the Canadian Pacific and monthly statements rendered to the Grand Trunk Pacific as early in each month as reasonably possible, showing in such detail as is reasonable and fair all expenses of maintenance and repair of the Joint Section from and after the date on which the tracks of the Grand Trunk Pacific are connected with the Joint Section at Empire Avenue as aforesaid, and the Grand Trunk Pacific shall within thirty days after the receipt of such statement pay to the Canadian Pacific (a) such proportion of the amount shown therein as having been expended in respect to the Joint Section, exclusive of the expense of maintenance and repair of the passenger station and of industrial spurs and sidings hereinafter in this paragraph referred to, as the number of engines

and of cars of all classes, both loaded and empty, transported by the Grand Trunk Pacific over the Joint Section or any portion thereof during the month covered by such statement shall bear to the total number of engines and of cars of all classes, both loaded and empty, transported during the said month over the Joint Section or any portion thereof; (b) such proportion of the amount shown in such statement as having been expended in respect of the passenger station on the Joint Section as the number of passenger cars and engines hauling same arriving thereat and departing therefrom for the Grand Trunk Pacific bears to the total number of passenger cars and engines arriving at and departing from the passenger station; each car and engine to be counted once on arriving at and once on departing from the station, but no record to be taken of any empty car or of the engine hauling same arriving at the station for purpose of taking up passengers or departing from station after discharging passengers; provided, however, that for lighting, heating and janitor's service in respect of the office space in the passenger station occupied by the Grand Trunk Pacific, the latter shall pay its proportion of cost thereof not on a car basis as in this sub-clause provided, but such a proportion of the total amount expended for heating, lighting and janitor's service of the offices occupied by both parties as the number of square feet of office space occupied by the Grand Trunk Pacific bears to the total number of square feet of office space occupied by both parties; and (c) such proportion of the amount shown in such statement as having been expended in respect of industrial spurs and sidings used jointly by the parties hereto under the terms hereof as the number of cars placed on such spurs or sidings for the Grand Trunk Pacific during the month covered by such statements shall bear to the total number of cars placed during the said month on such spurs or sidings.

23. Such account referred to in the preceding paragraph may be rendered by delivering the same to the General Superintendent of the Grand Trunk Pacific at Winnipeg, or such other officer as may be designated to the Canadian Pacific by the Grand Trunk Pacific from time to time, or sending the same through the Post Office, postage prepaid, addressed accordingly. Each of the parties shall monthly render to the other the statements requisite for ascertaining the proportion of cost of maintenance payable to each under this section.

24. The Grand Trunk Pacific shall, in addition to the payments hereinbefore provided for from and after the date on which its tracks are connected with the Joint Section at Empire Avenue aforesaid, pay to the Canadian Pacific half-yearly on the first days of January and July in each year, during the continuance of this Agreement, a sum equivalent to interest at the rate of four and one-half per centum per annum upon one-half the amount of the valuation of the Joint Section, which shall form part of capital account, and upon one-half of all amounts from time to time carried to capital account. For the purposes of this paragraph the valuation of the said Joint Section as existing at the date of this Agreement (and of the spur tracks or sidings now running north-westerly therefrom and to be used

jointly by the parties hereto but exclusive of the land for the right of way in that portion of the Joint Section between the intersection of Rebecca Street or Empire Avenue produced with the east side of Syndicate Avenue and the north limit of Pacific Avenue in the city of Fort William), is hereby agreed to be the sum of one hundred and two thousand dollars ($102,000). The cost of all additions or improvements (not in the nature of repairs) hereafter made by agreement of the parties hereto, including heavier rails, substitution of steel for wooden bridges or permanent for temporary structures and so forth shall from time to time as incurred be carried to capital account and bear interest accordingly. The completion and continuance of the double track by the Canadian Pacific on the Joint Section is hereby consented to as an improvement, the cost of which is to be added to the capital account. If the Grand Trunk Pacific neglects or fails within two years from the date hereof to obtain the confirmation and approval of the Board of Railway Commissioners for Canada to build its railway and tracks along and upon the streets mentioned in paragraphs 15, 16 and 17 hereof as provided by said Agreement Schedule "A" to said Act, then the sum of one hundred and seventy-five thousand seven hundred dollars ($175,700), being the value of the said land in that portion of the Joint Section between the intersection of Rebecca Street or Empire Avenue produced with the east side of Syndicate Avenue and the north limit of Pacific Avenue in the city of Fort William shall be added to the amount of the said valuation of the Joint Section making a total of two hundred and seventy-seven thousand seven hundred dollars ($277,700), upon one-half of which the Grand Trunk Pacific is to pay interest at the rate of four and one-half per centum per annum as hereinbefore mentioned.

25. The Canadian Pacific will allow proper inspection by the officers of the Grand Trunk Pacific of all books, accounts, returns and vouchers for the purpose of checking or verifying any account or statement rendered by the Canadian Pacific in pursuance of this Agreement and neither the acceptance of any account or statement, nor the payment thereof by the Grand Trunk Pacific shall prejudice its rights to an audit or verification. If upon any such audit or verification it shall be found that the Grand Trunk Pacific has paid or allowed to the other any such sum or sums of money which under the provisions of this Agreement it was not liable to pay or which should not have been allowed the Grand Trunk Pacific shall be entitled to demand and collect such sum or sums.

26. Each party will allow the other proper inspection by its agents of all books, accounts, returns, vouchers and reports relating thereto for the purpose of checking and verifying any and all accounts which shall be rendered by the party against whom inspection is sought in respect of any loss, injury or damage which the last named party may suffer or sustain and which, under the terms hereof is to be assumed or borne in whole or in part by the party seeking inspection and for the purpose of checking and verifying all statements and returns of the number of engines and cars of either of the parties transported on or over the Joint Section.

27. Should the Grand Trunk Pacific fail to make any of the monthly payments herein stipulated to be made when they shall become due and payable, and such failure shall continue for thirty days after demand in writing for payment shall have been made by the Canadian Pacific the Canadian Pacific may after the expiration of said thirty days during the continuance of such default exclude the Grand Trunk Pacific from the use of the Joint Section or any part thereof as it may deem advisable.

28. It shall be the duty of the Canadian Pacific to keep the station building and all other buildings on the Joint Section insured by a good and sufficient policy for their full insurable value; and in the event of loss or injury of any of said buildings by fire on which no insurance or insufficient insurance has been effected, in breach of this provision the Grand Trunk Pacific shall not be required to pay interest upon the amount of the loss occasioned by the Canadian Pacific not having insured the same as herein provided.

29. Neither of the parties hereto shall without the written consent of the other assign or transfer any rights or interests under this Agreement or give or assume to give to any other company or person any rights or interest upon or in respect of the Joint Section or any part thereof; and any assignment, transfer or other instrument contrary to the provisions of this clause shall be void and of no effect. Provided always, that an amalgamation by either of the parties with another company shall not be deemed an assignment or transfer contrary to this clause, and the amalgamated company as successors by amalgamation shall possess all the rights of its predecessor under this Agreement, nor shall anything herein contained be construed to confine the parties to the operation of lines now chartered, leased, acquired or operated by them respectively.

30. Any difference which may arise under this Agreement either as to its construction or respecting the carrying out of the same according to the true intent and meaning thereof shall if it cannot be amicably adjusted by the parties hereto, be submitted to arbitration in the following manner: The party desiring such reference shall appoint an arbitrator who shall be a disinterested person skilled in railroad matters and give notice thereof and of intention to refer to the other party who shall within thirty days after receipt of such notice appoint on its behalf an arbitrator who shall also be a disinterested person skilled in railroad matters in default of which the party giving notice of intention to refer may select both arbitrators. The two arbitrators so appointed or selected shall select a third and the award of the said three arbitrators or a majority of them may after due notice to both parties of the time and place of hearing the matter referred and hearing the party or parties who may attend shall be final and binding on both parties to this Agreement, and the parties hereto expressly agree to abide thereby. In case the two arbitrators first appointed fail to appoint a third within ten days after they have both been appointed then the third arbitrator may be appointed by one of the Judges of the Supreme Court of Judicature for Ontario on application of either party after ten days' notice to the other.

In case of death or the refusal to act of any arbitrator or if for any cause the office of any arbitrator becomes vacant his successor shall be appointed in the same manner as is provided for his appointment in the first instance unless the parties otherwise agree.

Pending the settlement of the matter submitted for arbitration each party shall continue to carry on its business in the usual and regular manner and the standing and conduct of either party towards the other shall in no way be affected by the matter in controversy.

31. The Canadian Pacific will join with the Grand Trunk Pacific in applying to Parliament for the necessary legislation confirming and ratifying this Agreement. This Agreement shall not come into force until so ratified and confirmed and when so ratified and confirmed shall be and continue in force for the said term of nine hundred and ninety-nine years from the date hereof.

In witness whereof this Agreement has been duly executed by the parties.

In the presence of

E. W. Beatty.

THE CANADIAN PACIFIC RAILWAY COMPANY,

T. G. Shaughnessy
President.

W. R. Baker
Secretary.

In the presence of

D'Arcy Tate.

THE GRAND TRUNK PACIFIC RAILWAY COMPANY,

Frank W. Morse
Vice-President and Gen. Mgr.

Henry Philips
Secretary.

SCHEDULE A.

Description of land comprised in Joint Section at Port Arthur and Fort William, and referred to in Agreement between The Canadian Pacific and The Grand Trunk Pacific Railway Companies. Dated first December, 1908.

All that parcel or tract of the land of the Canadian Pacific Railway Company, taken for right of way of the Canadian Pacific Railway in the town of Port Arthur, as same is shown on a plan of part of the town of Port Arthur, Thunder Bay, showing Canadian Pacific Railway Company's lands registered as plan No. 104 of the Port Arthur Registry Office, which is bounded on the north by the track of the Canadian Northern Railway where it crosses the Canadian Pacific Railway, forty-

five feet and eight-tenths of a foot, south of Fifth Avenue, in the said town of Port Arthur.

On the east by a line parallel with and everywhere distant eight feet easterly at right angles from the centre line of the track of the Canadian Pacific Railway, as shown on the said plan No. 104.

On the south by the centre line of William Street, which forms the southerly boundary of the said town of Port Arthur.

On the west, between the Neebing River and the Canadian Northern Railway, by a line parallel with and everywhere thirty-three feet distant westerly at right angles from the centre line of the said track of the Canadian Pacific Railway, as shown on said Plan No. 104, and on the west, between the Neebing River and the centre line of William Street, by a line parallel with and everywhere distant westerly forty-nine feet and one-half of a foot from the centre line of the said track of the Canadian Pacific Railway, as the same is shown on said plan No. 104.

Also, all that parcel or tract of the land of the Canadian Pacific Railway Company, in the town of Fort William, being part of the Canadian Pacific Railway, as shown on a plan of the completed line of the Canadian Pacific Railway Company called a "Plan through the town of Fort William, showing lands taken for Railway purposes in Registry District of Thunder Bay" registered in the Registry Office, in Port Arthur, as plan No. 128, which is bounded on the north by the centre line of William Street aforesaid.

On the easterly side by a line parallel with and everywhere distant eight feet at right angles easterly from the centre line of the track of the Canadian Pacific Railway, as shown on said plan No. 128, from the centre of William Street, on the north to a point distant two hundred and eighty feet northerly from the production easterly of the southerly line of Empire Avenue, known formerly as Rebecca Street, in the said town of Fort William, as show on a plan of the "Town Plot of Fort William" dated June 30th, 1873, filed in the Registry Office, in Port Arthur, and in the Crown Land Department, at Toronto, Ont.

Thence westerly at right angles to the course of the track of the Canadian Pacific Railway, as shown on said plan No. 128, fourteen feet.

Thence south-westerly and to the right on a curve of four hundred and forty-nine feet and seven-tenths of a foot radius, the easterly tangent of which is parallel to the track of the Canadian Pacific Railway as shown on said plan No. 128, at and to the east of the point of commencement of the said curve four hundred and forty feet more or less to the easterly line of Syndicate Avenue (formerly Hector Street) in the town of Fort William, as shown on said plan No. 128, registered in the Registry Office, at Port Arthur.

Thence northerly on the easterly line of said Syndicate Avenue to a point on said easterly line distant thirty-three feet northerly on a radius of a thirteen degree curve from the last herein described curve.

Thence north-easterly on a curve of four hundred and sixteen feet and seven-tenths of a foot radius concentric with the last herein described curve, and everywhere distant thirty-three feet

on the radii of the said curve northerly or westerly from the said curve, three hundred and ninety-one feet more or less to a point distant thirty-nine feet northerly at right angles to the track of the Canadian Pacific Railway, from a point on the aforesaid track opposite the point of commencement of the said herein last described curve.

Thence north-easterly parallel with and everywhere distant thirty-nine feet westerly from the centre of the aforesaid track of the Canadian Pacific Railway, to the southerly line of lot 75 of the McKellar sub-division in the town of Fort William, as shown on the plan registered in the Port Arthur Registry Office as No. 1389.

Thence westerly on the southerly line of said lot 75, and the production thereof westerly to a point distant thirty-three feet easterly at right angles to the course of McKellar Street, from the westerly line of said street, as the said street is shown on said plan No. 1389.

Thence northerly parallel with the westerly line of said McKellar Street, and everywhere distant thirty-three feet easterly therefrom at right angles, to the southerly line of Duncan Street, in the said town of Fort William, as shown on said plan No. 1389.

Thence north-easterly across Duncan Street to the intersection of the northerly line of said Duncan Street with the easterly line of the extension of McKellar Street in the said town, as shown on plan No. 128 aforesaid.

Thence north-easterly on the easterly line of the extension of McKellar Street as shown on said plan No. 128 to its intersection with the production southerly of the east line of May Street in the said town of Fort William, as the same is shown on said plan No. 128.

Thence north on the east line of May Street to the easterly line of McVicar Street, as shown on said plan No. 128.

Thence north-easterly on the easterly line of McVicar Street to the easterly line of the McVicar sub-division in the said town of Fort William, as shown on a plan registered in the Port Arthur Registry Office as No. 84.

Then south on the said easterly line of said McVicar sub-division to a point in line with the production southerly of the easterly line of Hardisty Street as the same is shown on a plan registered in the Port Arthur Registry Office as No. 54.

Thence northerly on the production of the said easterly line of said Hardisty Street, and on the easterly line of said Hardisty Street to the production easterly of the southerly line of Pacific Avenue, as said Avenue is shown on a plan registered in the Port Arthur Registry Office as No. 57.

Thence westerly on the southerly line of said Pacific Avenue produced fifteen feet and five-tenths of a foot to the westerly limit of the land taken for the right of way of the Canadian Pacific Railway, as shown on plan No. 28 of the Port Arthur Registry Office.

Thence northerly on the westerly limit of said land taken for right of way to the place of beginning on the centre line of William Street aforesaid.

Excepting thereout the land in public streets and highways which may not be owned by the Canadian Pacific Company but including the railway tracks and right of crossing over such streets and highways.

November 7th, 1908.

G. McPHILLIPS,
O.L.S. & D.L.S.

J. E. SCHWITZER,
Asst. Chief Engineer C.P.R.

B. B. KELLIHER,
Chief Engineer G.T.P. Ry.

No. 25.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting the joint section of the Canadian Pacific Railway Company and the Grand Trunk Pacific Railway Company, at Fort William, Ontario.

First reading, January 29, 1909.

(PRIVATE BILL.)

MR. TURRIFF.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 26. **BILL.** [1909

An Act respecting the Kootenay Central Railway Company.

Preamble. 1901, c. 71; 1904, c. 91.

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:—

Time for completion of railway extended. 1901, c. 71, s. 12 amended.

1. Section 12 of chapter 71 of the statutes of 1901, as enacted by section 1 of chapter 91 of the statutes of 1904, is amended by striking out the words "one thousand nine hundred and nine" in the fifth and sixth lines thereof, and substituting therefor the words "one thousand nine hundred and twelve."

No. 26.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting the Kootenay Central Railway Company.

First reading, January 29, 1909.

(PRIVATE BILL.)

MR. GOODEVE.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 27.] **BILL.** [1909

An Act to incorporate the London and Lancashire Plate Glass and Indemnity Company of Canada.

Preamble.

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

Incorporation.

1. Alfred Wright, Albert Edward Blogg, Charles Milton Horswell, James Robertson Sangster, Frank John James Stark, and Alexander MacLean, all of the city of Toronto in the county of York, together with such persons as become shareholders in the company, are incorporated under the name of "The London and Lancashire Plate Glass and Indemnity Company of Canada," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act, together with such persons not exceeding six as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the Company on account of stock subscribed or otherwise received by them and may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company.

Powers.

Head office.

3. The head office of the Company shall be in the city of Toronto, in the province of Ontario.

Agencies.

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

Capital stock.

4. The capital stock of the Company shall be two hundred and fifty thousand dollars divided into shares of one hundred dollars each.

Increase of capital.

2. The directors may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding five hundred thousand dollars; but the stock shall not be increased until a resolution of the directors authorizing such increase has first been submitted to and confirmed by two-thirds

in value of the shareholders present or represented by proxy at a general special meeting of the shareholders duly called for that purpose: provided that no issue of such increased capital stock shall be made except upon the payment of ten per cent in cash upon the amount of such issue.

First general meeting.

5. As soon as one 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 Toronto, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than five nor more than twenty directors, a majority of whom shall be a quorum.

Election of directors.

Qualification.

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

Annual meeting.

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

Special meetings.

Notice of meeting.

2. 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 by registered letter to the addresses of the shareholders respectively given in the books of the Company.

Payment of stock subscriptions.

8. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint. The first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice shall be given of any call; and any notice of call may be effectually given by sending the notice by registered letter, post paid to the last known address of each shareholder: provided that the whole amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

Business of Company.

9. The Company may make and effect contracts of insurance against loss or damage to plate or other glass.

Accidental damage insurance.

2. The Company may also make contracts insuring the owner of personal property against accidental damage or loss, total or partial *in situ* or transit by reason thereof or of any

cause whatsoever, except loss directly or indirectly by fire or perils of navigation. Exception.

3. The Company may make contracts of insurance against loss or damage to property or persons from explosion, collapse, rupture and other accidents of stationary, marine and locomotive boilers, gas or gasoline plants or boilers and to such boilers, engines or plants, including sprinkler systems or 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 may make inspection of, and may issue certificates of inspection of boilers, pipes, engines, motors and machinery, and may cause itself to be insured against any risk it may have undertaken in the course of its business. Damage from explosion, collapses, etc.

4. The Company may make contracts of insurance against loss or damage by burglary, house-breaking, or theft including theft by servants, work-people, casual employees or any other person lawfully or unlawfully upon the premises. Burglary, etc.

10. The Company shall not commence the business of plate glass insurance as provided for by this Act until one hundred and fifty thousand dollars of the capital stock have been subscribed and fifteen thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act. When plate glass insurance may be commenced.

2. The Company shall not commence the business of property damage insurance, including boiler insurance, until its subscribed capital has been increased to at least two hundred thousand dollars, and an additional amount of twenty thousand dollars has been paid thereon into the funds of the Company. Property damage and boiler insurance.

3. The Company shall not commence the business of burglary insurance until the subscribed capital has been increased to at least two hundred and fifty thousand dollars, and the additional amount of fifteen thousand dollars has been paid thereon into the funds of the Company. Burglary insurance.

11. The Company may acquire and hold any real property required in part or wholly for its use and accommodation, and may dispose thereof; but the annual value of such property held in any province of Canada shall not exceed three thousand dollars, except in the province of Ontario where it shall not exceed five thousand dollars. Real property which may be held.

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

2. The Company may also undertake the re-insurance of the risks of other companies. Risks of other companies.

13. 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 R.S., c. 34.

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 of those Acts shall prevail.

R.S., c. 79.

14. Notwithstanding anything in *The Companies Act*, Part II thereof, except sections 122, 125, 134, 141, 158 and 165, 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 this Act, or of any general Act relating to insurance passed during the present session of Parliament.

No. 27.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to incorporate the London and Lancashire Plate Glass and Indemnity Company of Canada.

First reading, January 29, 1909.

(PRIVATE BILL.)

MR. MACDONELL.

OTTAWA
Printed by W. McMahon
Printer to the King's most Excellent Majesty
1909

No. 28.] **BILL.** [1909

An Act respecting the Union Station and other joint facilities of the Grand Trunk Pacific Railway Company and the Midland Railway of Manitoba, at Portage la Prairie.

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

1. The agreement set out in the schedule hereto, between the Grand Trunk Pacific Railway Company and the Midland Railway of Manitoba respecting the establishment of a union station and other joint facilities between the said companies at the city of Portage la Prairie, is hereby confirmed and declared to be valid and binding upon all persons in every respect as if the said agreement had been enacted hereby, and the parties thereto are hereby authorized and required to observe and carry out the said agreement: Provided that nothing in the said agreement shall be taken to override any of the provisions of *The Railway Act* applicable to the said companies or to the joint property mentioned in the said agreement. Agreement in schedule confirmed. Proviso.

SCHEDULE.

Agreement, made in duplicate, this sixth day of June, 1908, between The Grand Trunk Pacific Railway Company, hereinafter called "The Grand Trunk Pacific," of the first part, and The Midland Railway of Manitoba, hereinafter called "The Midland," of the second part.

Whereas a preliminary contract was heretofore entered into between the parties hereto, of which the terms are set forth in a certain letter from R. I. Farrington, Second Vice-President of The Great Northern Railway Company, to Frank W. Morse, Vice-President and General Manager of The Grand Trunk Pacific, dated 31st May, 1906, the object of which was to secure the establishment of a union railway station and other joint facilities between The Grand Trunk Pacific and The Midland, at the city of Portage la Prairie; and

Whereas, in pursuance of such preliminary contract The Grand Trunk Pacific acquired and is now the owner of the land shown in red on the plan hereto annexed and identified by the signatures of the Vice-President and General Manager of The Grand Trunk Pacific and the Chief Engineer of The Midland,

extending from Lee Street, on the East, to the easterly boundary of the Canadian Northern right of way at or near Brydges Street, on the West (hereinafter referred to as the lands shown in red) for the purpose of establishing thereon such union railway station and other joint facilities, as aforesaid; and

Whereas the Grand Trunk Pacific is now engaged in erecting a union passenger station, according to plans and specifications approved by the Midland, and will hereafter, when mutually agreed on, erect a union freight depot as called for by the plan referred to in the second clause hereof; and

Whereas, in and by the said preliminary contract referred to in the first clause hereof, it was provided that a regular contract should be prepared on the basis outlined in such preliminary contract, but with such additional details as may be necessary, after The Midland had conveyed to The Grand Trunk Pacific certain lands as therein specified, and such lands have been duly conveyed accordingly.

Now this agreement witnesseth:

1. In consideration of the monthly and other payments to be made by The Midland to The Grand Trunk Pacific under this agreement, The Grand Trunk Pacific grants to The Midland upon the terms and conditions and with the limitations herein contained, and in common with The Grand Trunk Pacific, the joint use and enjoyment of the lands shown in red on the plan referred to in the second clause hereof, together with the passenger and freight depots and tracks and other facilities shown thereon in red, or which may hereafter, by agreement of the parties, be erected or constructed thereon for their joint use, which land, together with the said buildings and facilities shall be known and referred to herein as the " joint property."

2. The tracks shown in black and in yellow on said plan shall be for the exclusive use of The Midland, which shall be at the sole cost of constructing, maintaining and operating the same, including the switch connections between such exclusive tracks and the joint tracks, and including all other tracks with switch connections that may be at any time established for the exclusive use of The Midland: Provided that The Grand Trunk Pacific may at any time become entitled to the joint use of such track shown in yellow on said plan on giving to The Midland notice to that effect, and on reimbursement to The Midland for one-half the cost of such track, exclusive of renewals, and thereafter the maintenance and repair of such track shall be borne on the basis of the use thereof by each of the parties: Provided further that if The Grand Trunk Pacific shall at any time desire to lay a second main track or to erect any other facilities on such joint property between the points marked "A" and "B" on said plan, it may at its own sole expense move any of such tracks shown in black on said plan between such points, except that part of the industry track between the points "C" and "D" on said plan, to a location on said joint property immediately south of the present location, such new location to be satisfactory to the Chief Engineer of The Midland, and relay and restore said tracks and all the connections thereof with other tracks on such new location, in a manner satisfactory to such Chief Engineer of The Midland; and The Grand Trunk Pacific may use as right of

way for its second track or other facilities the part of such joint property from which such exclusive tracks of The Midland shall have been so removed.

3. The tracks shown in green on said plan shall be for the exclusive use of The Grand Trunk Pacific, and, together with such other tracks as may hereafter be established for the exclusive use of The Grand Trunk Pacific and the switch connections between such exclusive tracks and the joint tracks, shall be constructed, maintained, and operated at the sole expense of The Grand Trunk Pacific. Provided, that The Midland may at any time become entitled to the joint use of any of the main tracks or passing tracks shown in green on said plan, or any additional main tracks or passing tracks that may hereafter be laid on the joint property by The Grand Trunk Pacific for its exclusive use, as in Clause 4 hereof provided, on giving to The Grand Trunk Pacific notice to that effect and on payment thereafter of rental of half interest on cost as in Clause 8 provided, and on contributing to maintenance, repair, and operation, as in Clause 10 provided.

4. Neither company shall have the right to lay or construct for its exclusive use on the joint property any track, structure or building other than those shown on said plan which shall interfere with the free joint use of such joint property as herein provided. If either company shall desire to lay or construct upon the joint property any track, structure or building, or any switch connecting the joint tracks with any track which said company may have the right to build as provided in Clause 5 hereof, it shall notify the other company in writing of its desire so to do, and shall furnish with such notice a plan showing the location or description of the track, structure, building or switch which it desires to construct. The company so notified shall have thirty days after the receipt of such written notice within which to object to the laying or construction of such track, structure, building or switch, or to consent to the laying or construction thereof, and demand that the same shall be considered and treated as joint property. In case the company so notified shall consent to the laying and construction of such track, structure, building or switch, but shall demand that the same shall be considered and treated as joint property hereunder, then such track, structure, building or switch shall be laid and constructed by The Grand Trunk Pacific and the cost thereof shall be added to capital account and after its completion The Midland shall pay rental of half interest thereon as in Clause 8 herein provided, and shall contribute for maintenance, repair, and operation as in Clause 10 provided. In case the company so notified shall object to the laying or construction of such additional track, structure, building or switch, it shall fully state in writing the grounds and reasons for such objection. If the parties hereto shall be unable, by negotiation, to agree as to such matter, then the same shall be arbitrated; but pending such negotiation or arbitration no work shall be done on the proposed track, structure, building or switch. If the company so notified shall not within thirty (30) days thereafter object to the laying or construction of such track, structure, building or switch, or in consenting thereto demand that the same shall be considered

and treated as joint property, then the company so notified shall be deemed to have consented to the laying or construction of such track, structure, building or switch and to the use thereof exclusively by the party giving the notice. All tracks, structures, buildings or switches that may be constructed on the joint property hereunder for the exclusive use of either company shall be constructed, maintained and operated at the sole cost of such company.

5. Each company shall have the right to build its own tracks to or upon any property in Portage la Prairie other than the lands shown in red, and to connect such tracks with the joint tracks. Provided, however, that the tracks so built, including switch connections with the joint tracks, shall not interfere with the free and unrestricted joint use of the joint property, and shall be constructed, maintained, and operated at the sole cost of the party building the same. And provided further that the party building such tracks shall be entitled to the exclusive use thereof, but if the other party desires to have cars switched to or from said tracks, or any industries located thereon, then the party building the tracks shall perform such switching for the other party upon rates to be mutually agreed upon.

6. All additional buildings and facilities for joint use hereafter required shall, when decided upon by agreement, be constructed by The Grand Trunk Pacific, and the cost thereof borne as herein provided.

7. The maintenance, repair, and operation of the joint property shall be under the direction and control of The Grand Trunk Pacific, which shall employ and discharge all employees in connection therewith, but shall not continue in its employment any person to whom The Midland may object.

8. The Midland, as rental for the joint property, shall pay to The Grand Trunk Pacific, monthly, one-twelfth of one-half of five per cent. per annum upon the cost of the joint property, which cost shall include:

(*a*) The cost to The Grand Trunk Pacific of the land shown in red on said plan, which cost the parties hereto agree in stating at ninety-six thousand one and twenty one-hundredths dollars ($96,001.20), being the amount actually disbursed by The Grand Trunk Pacific in acquiring said land.

(*b*) The cost of the passenger and freight stations erected or that may by agreement of the parties, be erected on the said lands.

(*c*) The cost of such of the tracks shown in red on said plan as may be at the date hereof constructed, the cost of any tracks shown in red on said plan not at the date hereof constructed and the cost of all joint tracks that may hereafter by agreement of the parties, be established on the said lands.

(*d*) The cost of all other joint facilities now or hereafter to be by agreement of the parties established on the said lands.

Such cost under (*b*), (*c*), and (*d*) to be satisfactorily established by The Grand Trunk Pacific, which shall afford The Midland access to its books and vouchers for the purpose of verifying same.

Provided, that The Midland, except as hereinafter provided, shall pay no interest on the cost of any interlocking plants that

may be established on the said lands for the purpose of protecting the crossings of The Grand Trunk Pacific over the tracks of the Canadian Pacific and the Canadian Northern Railways.

9. In the event of The Midland failing to make any of the payments called for by the preceding clause for the period of six months after the same become due, The Grand Trunk Pacific shall have the power, on one month's notice, under its corporate seal, given to The Midland, to terminate its rights under this agreement, and in that event The Midland shall and will forfeit to The Grand Trunk Pacific all its rights under this agreement, but notwithstanding such termination The Midland shall continue liable to The Grand Trunk Pacific with respect to all payments and matters under this agreement prior to such termination.

10. The cost of the maintenance, repair and operation of the buildings, tracks and other facilities used jointly shall be apportioned between the parties as follows:

(*a*) Of the main tracks and passing tracks shown in red on the said plan, or such other plan as may hereafter, by agreement of the parties, be substituted therefor, together with appurtenant facilities—on a wheelage basis.

(*b*) Of the team delivery and joint industry tracks—on the basis of the number of freight cars that may be placed on said tracks for each company.

(*c*) Of the passenger station—on the basis of the number of passenger cars arriving and departing from said station for each company.

(*d*) Of the freight station, including "house track"—on the basis of the number of tons of freight handled through said station for each company.

11. For the purpose of apportioning the cost of maintenance, repair and operation, as in the previous clause provided, each of the parties shall monthly render to the other before the tenth of the month:

Under (*a*). A statement of the number of cars or vehicles hauled in the trains or by the locomotives of the reporting company which during the preceding month passed over the main track or tracks or any portion thereof and over any passing tracks that may be used jointly and which are hereafter in this sub-clause called "joint tracks." For the purpose of this statement the joint property shall be divided into sections by agreement between the parties, and each of said sections shall embrace such portion of the "joint tracks" as shall be customarily used in making the ordinary and necessary movements of trains or cars or vehicles in the handling of traffic upon said joint property; that is to say; one section shall embrace that portion of the "joint tracks" from the connection switch east of Main Street to the connection switch of the freight house track on the east side of Campbell Street; the second section shall embrace that portion of the "joint tracks" between the said connection switch at the east side of Campbell Street and the east side of Ottawa Street. Other additional sections may from time to time be mutually agreed upon if desirable. Said statement shall show the number of cars or vehicles hauled in the trains or by locomotives of the reporting company passing over each of such

sections. Each car or vehicle shall be counted every time it passes over all or any portion of the "joint tracks" in each section, except that no record shall be taken of any empty car or vehicle entering the joint property or any section thereof for the purpose of taking up passengers or leaving the joint property or any section thereof after discharging passengers; nor shall any record be taken of any locomotive hauling any trains, cars or vehicles.

Under (*b*). A statement showing separately the number of freight cars that may be placed upon team delivery track or tracks and upon any joint spur track or tracks on account of the reporting company.

Under (*c*). A statement showing the number of cars or vehicles in every train operated by the reporting company which arrives at and departs from the passenger station in the ordinary course of its passenger traffic and business; each car or vehicle to be counted once on entering and once on leaving the joint property, except that no record shall be taken of any empty car or vehicle entering the joint property for the purpose of taking up passengers or leaving the joint property after discharging passengers.

Under (*d*). A statement of the number of tons of freight handled through the freight station on its account.

For the purpose of the several statements required by this clause to be prepared and rendered by each party, foreign cars or vehicles shall be counted and reported by the company handling them in the same manner as if they were owned by the handling company.

The proportion of the expense to be borne by the parties as above stated shall be ascertained for each calendar month, and the share payable by The Midland shall be paid to The Grand Trunk Pacific within thirty (30) days after the receipt of a statement of account from The Grand Trunk Pacific; except that this time shall be extended as to any disputed items of any statement when necessary to secure correction or adjustment of such disputed items.

12. Should The Midland make default in any monthly payment as in the preceding clause provided, and should such default continue for thirty (30) days, The Grand Trunk Pacific may, after fifteen (15) days written notice and during the continuance of such default, exclude The Midland from such use of the joint property or any part thereof as it may deem advisable. In addition The Midland shall be charged with interest at the rate of five per cent. per annum upon the amount in default while such default shall continue.

13. Each of the parties hereto shall pay one-half of all municipal taxes that may be assessed against the joint property.

14. Each party shall do its own local switching at Portage la Prairie unless and until the parties agree for one of them to do all the local switching and upon the rates to be charged the other company therefor.

15. The Grand Trunk Pacific shall maintain and keep in good condition and repair the joint property, but no claim, demand or cause of action shall accrue to The Midland against The Grand Trunk Pacific by reason of any defects in the joint property or any part thereof or by reason of the failure or neglect

of The Grand Trunk Pacific to maintain and keep in good condition or repair the same, or in respect of any loss, damage or injury arising from such defects, failure or neglect. In case The Grand Trunk Pacific shall fail or refuse upon the reasonable demand of The Midland to make needed repairs to the joint property or any part thereof within a reasonable time, The Midland may make such repairs and the cost thereof shall be paid by The Grand Trunk Pacific and included in the cost of maintenance and operation, and divided between the parties hereto as provided in Clause 10 hereof.

16. The Grand Trunk Pacific shall, within a reasonable time after any building or other facility on the joint property shall be destroyed or damaged by fire or other casualty, cause the same to be rebuilt or restored to the same general character as before, unless the parties mutually agree upon the abandonment of the building or facility or the rebuilding thereof on an improved plan and to a general better condition. The cost of rebuilding or restoring such building or facility on the original plan over and above the amount of any insurance received on account of the destruction thereof shall be treated as an expense of maintenance and repair and apportioned between the companies on the same basis as the cost of maintaining, repairing and operating such building or facility has been apportioned during the preceding twelve months. When any building or facility that may have been destroyed as above provided shall be abandoned as above provided and not rebuilt, the amount of the insurance received in respect of such building or facility shall be deducted from capital account and the amount of interest payable as rental as in Clause 8 provided shall be correspondingly reduced. When by mutual agreement any building or facility that may have been so destroyed or damaged shall be rebuilt or restored on an improved plan and to a better general condition the excess cost of the new or improved building or facility over the original cost of the building or facility destroyed or damaged shall be added to capital account, upon which rental of half-interest shall be payable as in Clause 8 provided; the difference between said original cost and the insurance received in respect of such building or facility being treated as cost of maintenance, repair and operation, divided between the companies, as above in this clause provided.

17. It is the intention of The Grand Trunk Pacific to insure and keep insured in the usual way against loss by fire, the buildings and improvements upon the joint property for such amounts from time to time as will reasonably protect the same against loss, and the amount paid by The Grand Trunk Pacific for such insurance shall be considered as an operating expense and apportioned between the parties hereto in accordance with clause 10 hereof. Any moneys received from such insurance shall be applied in rebuilding or restoring the property destroyed or damaged, unless the parties hereto otherwise decide; and it is expressly agreed that no liability of any kind shall rest upon The Grand Trunk Pacific because the said intention to insure and keep insured is not carried out, whether by reason of negligence or omission on the part of The Grand Trunk Pacific or its employees, or by reason of breach of conditions of any policy or

contract of insurance which would avoid the same or give to the insurance company a defence to any action upon the policy or contract.

18. All employees exclusively engaged on joint account in and about the maintenance, repair and operation of the joint property shall be deemed common employees of the parties hereto.

Employees occasionally engaged on joint account in and about the maintenance, repair and operation of the joint property shall, while so engaged, be deemed common employees of the parties hereto.

All common employees shall be hired and discharged by The Grand Trunk Pacific, and no person in the employ of The Grand Trunk Pacific shall be for any purpose deemed a common employee of both parties except as hereinabove expressly provided.

19. All loss, damage or injury occurring upon the joint property, whether to property of either of the parties or to proderty in its custody, or to its employees or passengers, or to the joint property, or to common agents or employees, and generally all loss and damage of whatever description by whomsoever sustained within the limits of the joint property, caused by the negligence of either of the parties, or its exclusive employees (not common agents or employees) shall be assumed and borne by the company guilty of such negligence, but this clause shall not give to any third persons any claim or cause of action which they otherwise would not have had.

20. In the case of loss, damage or injury, as referred to in the preceding clause, which has been caused by the negligence of a common agent or employee, the amount thereof shall be charged to and paid as part of operating expenses for the month in which such loss, damage or injury happened or was adjusted, but this clause shall not give any third parties any claim or cause of action which they would not otherwise have.

21. In case of any collision between the trains or cars of the parties hereto upon the joint property caused by the joint fault of the employees of both parties, each party shall assume and bear all the loss and cost arising out of personal injuries to its own employees, to passengers on its trains, and to its own property and property in its custody.

22. The parties shall respectively assume and bear all loss, damage and injury caused or suffered by them respectively, and not coming under clauses 19, 20 and 21.

23. In case of any wreck occurring within the limits of the joint property, the expense of removing the same and of repairs to the joint property necessitated thereby, shall be borne on the same principles and in the same manner as determined by clauses 19, 20, 21 and 22.

24. In case proceedings be commenced against either one of the parties for damage which the other agrees herein to assume, the party proceeded against may give notice thereof to the other, and thereupon the last named party shall assume the defence of said proceedings and save the party proceeded against harmless from all loss or cost.

25. In the event of The Midland or any other company controlled by the Great Northern Railway Company, and having the right to operate trains in Portage la Prairie, desire hereafter

to run its trains from Portage la Prairie, westward from the easterly boundary of the right of way of the Canadian Northern Railway at or near Brydges Street, or eastward from Lee Street to a point beyond the crossing of the tracks of the Canadian Northern Railway, The Grand Trunk Pacific shall grant to The Midland, or such other company, the right to run its trains over the tracks of The Grand Trunk Pacific from the easterly line of the right of way of the Canadian Northern Railway westward, and from Lee Street eastward to points where The Midland may reasonably be expected to acquire its own right of way upon which to locate its own tracks, and as rental for the use of the tracks of The Grand Trunk Pacific, as in this clause provided, The Midland shall pay to The Grand Trunk Pacific:

(*a*) Monthly, one-twelfth of one-half of five per cent per annum upon the cost of the right of way, tracks and facilities west of the easterly boundary of the Canadian Northern right of way at or near Brydges Street, and east of Lee Street, so to be used jointly, including the cost of crossings over the tracks of the Canadian Pacific and Canadian Northern Railway companies, and of all interlocking plants or other facilities protecting such crossings.

(*b*) One-half of any taxes that may be assessed against the right of way, tracks and property in this clause referred to.

(*c*) The cost of maintenance, operation and repair of the tracks and facilities in this clause referred to, including the cost of operating, maintaining and repairing the interlocking plants on the basis of wheel mileage; and The Midland in respect of the said tracks and facilities shall render to The Grand Trunk Pacific appropriate monthly accounts, as called for by clause 11 hereof.

26. The right of way, tracks and other facilities in the preceding clause referred to, shall be considered part of the "joint" property, as hereinbefore defined, and shall, as such, in addition to the payments called for by the preceding clause, be subject to all the incidents of this agreement.

27. Except as hereinafter provided, The Midland shall not, without the written consent of The Grand Trunk Pacific, assign or transfer any rights or interests under this agreement or give or assume to give any other company or person any rights or interests upon or in respect of joint property or any part thereof; and any assignment, transfer or other instrument contrary to the provisions of this clause shall be void and of no effect. The Midland shall have the right, however, to assign or transfer this agreement and all its rights and interests thereunder, to any other company incorporated under the laws of the Dominion of Canada or of the Province of Manitoba, and controlled by the Great Northern Railway Company. An amalgamation by The Midland with any other company shall not be deemed an assignment or transfer contrary to this clause, and the amalgamated company as successors by amalgamation shall possess all the rights of its predecessors under this agreement; nor shall anything herein contained be construed to confine The Midland to the operation of lines at present chartered, leased or operated by it.

No person or corporation other than the parties hereto, shall be admitted to the use of the joint property as the same is now or may hereafter be established, without the consent of both parties hereto, and upon such terms and conditions as both parties may approve.

28. Any dispute which may arise as to the meaning or construction of this agreement, or as to the performance of any of the obligations of either of the parties to this agreement, and generally any question arising between the parties incident to the construction or operation of this agreement, shall be determined by the award of a single arbitrator, if the parties concur in his appointment, or if not, by the award of three arbitrators, one of whom shall be appointed by The Grand Trunk Pacific, one by The Midland, and the third by the two so appointed, or in case of their failure to agree, by one of the Judges of the Court of King's Bench for Manitoba, and the award of a majority of such three arbitrators shall be final. In the event of either of the parties failing for thirty days to appoint an arbitrator after being duly notified in writing to do so, the party giving such notice may apply to one of the Judges of the Court of King's Bench for Manitoba for the appointment of a single arbitrator whose award shall be final.

29. This agreement shall take effect on and from the first day of July, 1908, and unless sooner determined under the terms hereof this agreement shall continue in force for nine hundred and ninety-nine years from that date.

30. Wherever The Grand Trunk Pacific or The Midland is mentioned or referred to in this agreement, such mention or reference shall extend to and include the respective successors and assigns of the said parties.

31. If, in order to assure the use and enjoyment of the joint property by The Midland for the full term of this agreement as in Clause 29 provided, it is necessary to secure the sanction, or approval, of same by the Parliament of the Dominion of Canada, The Grand Trunk Pacific will secure such approval or sanction at the joint expense of the two companies, as the major portion of the land comprised in the joint property was originally acquired by The Midland and, at the request of The Grand Trunk Pacific, transferred to it.

In witness whereof: This agreement has been duly executed by the parties.

THE GRAND TRUNK PACIFIC RAILWAY COMPANY,

By Frank W. Morse
Vice-President & Gen'l Mgr.
Henry Philips
Secretary.

[SEAL.]

THE MIDLAND RAILWAY OF MANITOBA,

By James Fisher
President.
W. C. Hamilton
Secretary.

[SEAL.]

No. 28.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting the Union Station and other joint facilities of the Grand Trunk Pacific Railway Company and the Midland Railway of Manitoba at Portage la Prairie.

First reading, January 29, 1909.

(PRIVATE BILL.)

MR. TURRIFF.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 29.] **BILL.** [1909

An Act respecting the Winnipeg and Northwestern Railway Company.

Preamble. 1907, c. 141.

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:—

Lines of railway authorized.

1. The Winnipeg and Northwestern Railway Company, hereinafter called "the Company," may lay out, construct and operate the following branches:—

(*a*) from a point on its authorized line at or near the Narrows of Lake Manitoba westerly to a point in or near township twenty-five, range thirty, west of the first principal meridian, thence northwesterly to a point on its authorized line of railway at or near Nut Lake;

(*b*) from a point on the said last-mentioned branch, at or near Good Spirit Lake, in a southeasterly direction to a point on the Grand Trunk Pacific Railway, near the second principal meridian, or between such meridian and the boundary of Manitoba.

Time for construction of railways extended.

2. The Company may commence within two years and complete within seven years after the passing of this Act the railways authorized by chapter 141 of the statutes of 1907 and by this Act; and if the said railways are not commenced and completed within the said respective periods, the powers of construction granted to the Company by the said Acts shall cease and be null and void with respect to so much of the said railways as then remains uncompleted.

Issue of securities.

3. The limit of the amount of securities specified by section 8 of chapter 141 of the statutes of 1907 shall apply to the lines of railway which the Company is authorized by this Act to construct.

Guarantee of securities of other companies.

4. The Company may from time to time guarantee in whole or part the payment of principal or interest, or both, of the bonds, debentures or other securities of any railway company, or any transportation, navigation, park, elevator, warehouse, express, hotel, water power, or other company authorized to carry on any business incidental to the working of a railway: provided that such guarantee is approved by a resolution passed by not less than two-thirds in value of the shareholders of the Company present or represented by proxy at a special general meeting called for the purpose.

Proviso.

No. 29.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting the Winnipeg and Northwestern Railway Company.

First reading, January 29, 1909.

(PRIVATE BILL.)

MR. MCCRANEY.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 30.] **BILL.** [1909

An Act respecting the subsidy from the Ontario Government to the Lake Superior Branch of the Grand Trunk Pacific Railway.

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

1. The agreement set out in the schedule hereto between the Grand Trunk Pacific Railway Company and His Majesty King Edward the Seventh, represented by the Treasurer of the province of Ontario, entered into in accordance with the provisions of sections 3, 20, 21 and 22 of chapter 18 of the statutes of Ontario of 1904, respecting the subsidy from the Ontario Government to the Lake Superior Branch of the Grand Trunk Pacific Railway, is hereby confirmed and declared to be valid and binding upon the parties thereto and upon all other persons in every respect as if the said agreement had been enacted hereby, and each of the parties thereto and all others concerned are hereby authorized and empowered to do whatever is necessary to give effect to the provisions of the said agreement in accordance with the substance and intention thereof. Agreement in schedule confirmed. Ont., 1904, c. 18.

SCHEDULE.

This agreement made the 22nd day of December, 1908, between: The Grand Trunk Pacific Railway Company, hereinafter called "the Company," of the first part, and His Majesty King Edward the Seventh, represented herein by the Treasurer of the Province of Ontario, hereinafter called "the Treasurer," of the second part.

This agreement made in pursuance of the provisions of sections 21 and 22 of chapter 18 of the Acts of the Legislature of Ontario, passed in the fourth year of His Majesty's reign, witnesseth as follows:

"Line of railway" herein shall mean that referred to in section 1, sub-section 2 of an Act respecting Aid to certain railways, being chapter 18 of the Acts of the Legislature of Ontario, passed in the fourth year of His Majesty's reign, and commonly known as the Lake Superior Branch.

The Company covenants and agrees with the Treasurer that they will not take, levy or allow any secret special rates, rebates, drawbacks or concessions to favored shippers or do or suffer any act or thing that will affect or prevent free competition in any line or lines of trade.

The Company covenants and agrees further with the Treasurer that upon request so to do, made by the council of any township or county municipality through which the line of railway passes they will carry road making material, stone or gravel required for improving any of the roads within any such municipality at the actual cost of handling and carriage.

The Company further covenants and agrees with the Treasurer not to amalgamate with any other company, or to lease or transfer the railway or its franchises or to make pooling arrangements as to rates for freight or other charges or to adopt any method for placing such railways under the management or control in whole or in part of any other railway or railways in any manner whatsoever without the sanction of the Lieutenant Governor of Ontario in Council being first had and obtained.

The Company further covenants and agrees with the Treasurer that in case the Government of Canada shall at any time take over, at a valuation, the said line of railway, it will repay to the Treasurer of the Province of Ontario, forthwith, the amount of cash subsidy and the amount or value of the land grant given to the said Company, pursuant to the provisions of the said Act.

The Company further covenants and agrees with the Treasurer to make application to the Parliament of Canada for an Act to ratify and confirm and make binding upon the Company the provisions in this agreement contained.

This agreement shall be binding on the successors and assigns of the parties hereto respectively.

In witness whereof this agreement has been duly executed by the parties.

Signed, sealed and delivered in the presence of

D'Arcy Tate

THE GRAND TRUNK PACIFIC RAILWAY COMPANY

By

Frank W. Morse
Vice Prest. & Gen. Mgr.

[Seal.]

Henry Philips
Secretary.

C. A. Matthews, jun.

A. J. Matheson
Treasurer of Ontario.
[Seal.]

Copy of an Order in Council approved by His Honour the Lieutenant Governor, the 31st day of December, A.D. 1908.

Upon the recommendation of the Honourable the Treasurer, the Committee of Council advise that he be authorized to

execute an agreement in accordance with the accompanying draft between The Grand Trunk Pacific Railway Company and His Majesty the King under the provisions of sections 21 and 22 of chapter 18, 4 Edward VII.

Certified,

J. Lonsdale Capréol
Clerk, Executive Council.

No 30.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act respecting the subsidy from the Ontario Government to the Lake Superior Branch of the Grand Trunk Pacific Railway.

First reading, January 29, 1909.

(PRIVATE BILL.)

MR. TURRIFF.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

No. 31.] **BILL.** [1909

An Act to prevent the payment or acceptance of illicit or secret commissions, and other like practices.

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 Secret Commissions Act, 1909*.

Definitions.

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

"Consideration."

(*a*) "consideration" includes valuable consideration of any kind;

"Agent."

(*b*) "agent" means any person employed by or acting for another, and includes a person serving under the Crown or under any municipal or other corporation;

"Principal."

(*c*) "principal" includes an employer.

Penalty.

3. Everyone is guilty of an offence and liable, upon conviction on indictment, to two years' imprisonment, or to a fine not exceeding two thousand five hundred dollars, or to both, and, upon summary conviction, to imprisonment for six months, with or without hard labour, or to a fine not exceeding one hundred dollars, or to both, who,—

For an agent accepting gifts, etc., for a reward.

(*a*) being an agent, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having after the passing of this Act done or forborne to do, any act relating to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person with relation to his principal's affairs or business; or

For offering reward, etc., to an agent.

(*b*) corruptly gives or agrees to give or offers any gift or consideration to any agent as an inducement or reward or consideration to such agent for doing or forbearing to do, or for having after the passing of this Act done or forborne to do, any act relating to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person with relation to his principal's affairs or business; or

For false statement given to or used by an agent.

(*c*) knowingly gives to any agent, or, being an agent, knowingly uses with intent to deceive his principal, any receipt, account, or other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which, to his knowledge, is intended to mislead the principal.

No. 31.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to prevent the payment or acceptance of illicit or secret commissions, and other like practices.

First reading, February 1, 1909.

MR. AYLESWORTH.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

No. 32.] **BILL.** [1909

An Act to amend the Railway Act.

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

1. Section 246 of *The Railway Act* is repealed and the following is substituted therefor:— R.S., c. 37, new s. 246.

"**246.** The Board may, by general regulation or otherwise, determine and prescribe on what terms and conditions and under what supervision lines or wires for telegraphs or telephones, or for the conveyance of light, heat, power or electricity and water mains, conduits and sewers may be erected, placed or maintained across or under any railway. Wires, etc., across the railway.

"2. In case any person or corporation desires to execute any such work, such person or corporation shall give to an official of the railway company notice in writing of the intention so to do, and that in fifteen days the work set out in such notice will be proceeded with, in accordance with the terms and conditions prescribed by the Board, unless the railway company sooner serves an order from the Board restraining the said person or corporation from proceeding with such work. Notice to company.

"3. In the event of an order of the Board restraining any person or corporation from proceeding with such work being so served by the railway, the person or corporation applying to have such work undertaken shall submit to the Board a plan and profile of the parts of the railway proposed to be affected, showing the proposed location of such work, and the work contemplated in connection therewith; and the Board may grant such application, and may order by whom, how, when and on what terms and conditions, and under what supervision, such work shall be executed; and upon such order being made such work may be executed, subject to and in accordance with such order. Action of Board.

"4. Notice of undertaking such work to be served by such person or corporation shall be sufficiently served upon the said railway company by delivering it to any station agent of the railway company in the municipality in which it is proposed to undertake such work, or, in the event of there being no station in such municipality, then upon the nearest station agent. Service of notice.

"5. In no case shall any municipal corporation or telephone or telegraph company be required to pay to the railway company any fee for the supervision of the work that is so undertaken; but in every case where a water main, conduit or sewer is carried under the railway the person or corporation so carry- Expenses of supervision of work.

ing it shall pay to the railway company a sum not exceeding five dollars per day for the services of the railway company's engineer in supervising such work.

Authorization of Board.

"6. Save as in this section provided, no work shall be executed across or under the railway, without the leave of the Board." 5

No. 32.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL.

An Act to amend the Railway Act.

First reading, February 1, 1909.

Mr. Barr.

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 33.

An Act respecting the Niagara-Welland Power Company.

Preamble.

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

1899, c. 129; 1903, c. 163; 1905, c. 133.

Time for construction of works extended.

1. The works of the Niagara-Welland Power Company may be completed within five years from the sixteenth day of May, nineteen hundred and ten; and if the said works are not then completed the powers granted to the said company by Parliament shall cease and be null and void except as to such portion of the said works as has been commenced or completed, and as to any rights which have been acquired, before the expiration of the said period.

1905, c. 133, s. 4 repealed.

2. Section 4 of chapter 133 of the statutes of 1905 is repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 33.

An Act respecting the Niagara-Welland Power Company.

First reading, February 3, 1909.

(PRIVATE BILL.)

MR. GUTHRIE.

OTTAWA
Printed by C. H. PARMELEE
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1909

[Corrected Copy.]

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 34.

An Act to incorporate the Ontario and Michigan Power Company.

(Reprinted as amended and reported by the Committee on Miscellaneous Private Bills.)

Preamble.

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

Incorporation.

1. Thomas Sturgis, of the city of New York, in the state of New York, and J. C. Hunter, of the city of Duluth, in the state of Minnesota, in the United States; Herman Finger, of the city of Port Arthur, in the province of Ontario; D. C. Cameron and J. D. McArthur, both of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the company, are incorporated under the name of "The Ontario and Michigan Power Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

4. The capital stock of the Company shall be five hundred thousand dollars.

Head office.

5. The head office of the Company shall be at the city of Port Arthur, in the province of Ontario, or such other place as may be fixed by by-law of the Company.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Monday in June in each year, 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*) acquire, develop, improve, maintain and operate water powers, use, supply and sell water power for any purpose, by any

means of application, generate, by means of water power or otherwise, electricity, heat, light and any other form of energy, and transmit the same by any means to, and supply and sell the same for use in any manner at, any place in Canada and the United States;

(*b*) construct, maintain and operate all necessary works, dams, wing dams, canals, intakes, tail-races, channels, conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments and devices, and erect and maintain poles and towers, and lay and maintain pipes, cables, wires or other conductors, and connect them with similar lines in other provinces and in the United States;

(*c*) manufacture, buy, sell and deal in wood, pulp, paper and articles made therefrom, machinery, engines, motors, electrical apparatus and supplies, and engage in a general manufacturing business;

(*d*) acquire such lands, easements, privileges, water and water rights as are necessary for the purposes of its undertaking:

Proviso.

Provided that under this section, the Company may acquire or develop water powers on the following rivers only, namely the Pigeon river in the province of Ontario and state of Minnesota, and the Nipegon river, in the district of Thunder Bay, in the province of Ontario, and at one place only on each of the said rivers.

Telegraphs and telephones.

9. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines in connection with its works, 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 on its own property only 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.

Agreements with municipalities.

10. The Company may enter into, and carry into effect, any agreement with the council of the corporation of any municipality for the supply of water-power, gas, compressed air, electricity, heat, light, or other energy, for any purpose for which the same can be used, by such municipality or any inhabitant thereof, and upon such terms as are agreed upon.

Consent of municipality necessary.

11. The Company shall not enter within the limits of any municipality with any transmission line or sell or distribute electrical or other power therein without the consent of such municipality expressed by by-law.

Limitation of powers.

12. None of the powers conferred by this Act shall be exercisable within the limits of the city of Port Arthur or of the city of Fort William or other cities in Canada unless a by-law has been submitted to its qualified ratepayers and duly passed by them authorizing the exercising of such powers within its limits.

13. The Company shall at all times be prepared to furnish for use in Canada one half of all power then developed; and upon reasonable notice that power to the amount of not less than five hundred horse-power is required for such use, regard being had to the quantity required by the applicant, to the place at which the power is to be used, to the quantity already in use in Canada and to other applications for power to be used in Canada, the Company shall furnish the applicant with the amount of power required by the notice. Power for use in Canada.

14. In case of any dispute or difference as to the price to be charged for power or electrical or other energy, for any of the purposes in this Act mentioned, in use or to be provided for use upon the Canadian side of the international boundary, or as to the methods of distribution thereof, or as to the time within which or as to the quantity to be furnished, or the conditions upon which it shall be furnished for use, such dispute or difference shall be settled by the Board of Railway Commissioners for Canada on the application of any user of or applicant for power, electrical or other energy produced by the Company, or upon the application of the Company. Disputes to be decided by Board of Railway Commissioners.

15. Except as provided in this Act, the provisions of *The Electricity Inspection Act, 1907*, and of *The Electricity and Fluid Exportation Act* shall apply to the Company and to its undertaking. 1907, cc. 14 and 16 to apply.

16. The construction of the works of the Company shall be commenced within three years and completed within six years after the passing of this Act, otherwise the powers hereby granted shall cease as respects so much of the said works as then remains uncompleted. Time for construction of works limited.

17. The Company may issue bonds, debentures or other securities to an amount not exceeding five million dollars. Issue of securities.

18. The powers conferred upon the Company by this Act shall not be exercisable upon the Nepigon river until the Company has first submitted the plans showing such works to, and received the assent and approval of, the Governor in Council; and the Company shall not proceed with any works upon the Pigeon river until it has submitted the plans showing such works to, and obtained the approval of, the Waterways Commission. Limitation of powers. Approval of plans by Governor in Council and Waterways Commission.

19. *The Railway Act*, so far as applicable, and when not inconsistent with this Act, shall apply to the Company and to its undertaking. Application of R.S., c. 37.

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, mean the works 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 Com-

pany for constructing or operating the works authorized by this Act, under, over or along any land, without the necessity of acquiring a title in fee simple.

Expropriation powers.

5. The expropriation powers hereby conferred upon the Company shall not be exercised by it until the plans mentioned in section 18 of this Act shall have received the approval therein provided for, and shall not be exercised as to any dams or storage now existing or any dams or other works for storage (or any storage) hereafter created by the Arrow River and Tributaries Slide and Boom Company previous to the construction of any works by this Company by which the dams constructed by the Arrow River and Tributaries Slide and Boom Company might interfere.

Existing rights.

R.S., c. 79.

20. Part II of *The Companies Act* shall not apply to the Company.

[Corrected Copy.]

34.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS OF CANADA.

BILL 34.

An Act to incorporate the Ontario and Michigan Power Company.

(Reprinted as amended and reported by the Committee on Miscellaneous Private Bills.)

(PRIVATE BILL.)

MR. CONMEE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 35.

An Act to incorporate the Salisbury and Harvey Railroad Company.

Preamble.

WHEREAS the rights, franchises, railway and property of the Salisbury and Harvey Railway Company have been sold pursuant to the provisions of a sale made under the direction of a decretal order of the Supreme Court in Equity of the province of New Brunswick, made on the fifteenth day of August, one thousand eight hundred and ninety-nine, and also pursuant to the direction of a certain other decretal order of the said court made on the eleventh day of June, one thousand nine hundred and seven, respecting the foreclosure of a mortgage on the said railway, and have been purchased by John D. Newton, of the city of New York, in the United States; and whereas the said purchaser bought and became vested with the said rights, franchises, railway and property for the purpose of holding, maintaining and operating the said railway, its property and appurtenances; and whereas a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. John D. Newton, of the city of New York, in the state of New York, one of the United States, Dennis E. Bergen, of the same place, the Honourable J. Douglas Hazen, D. King Hazen and Edward P. Raymond, all of the city of Saint John, in the province of New Brunswick, together with such persons as become shareholders in the company, are incorporated under the name of "The Salisbury and Harvey Railroad Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be at Hillsborough, in the county of Albert, in the province of New Brunswick.

Annual meeting.

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

Directors.

7. The number of directors shall be not less than five, nor more than nine, one or more of whom may be paid directors.

Power to acquire Salisbury and Harvey Ry. Co.

8. The Company may acquire the railway, rights, franchises and property mentioned in the preamble, and upon and after such acquisition the franchises, rights, powers and privileges heretofore possessed by "The Salisbury and Harvey Railway Company" shall vest in and may be exercised and enjoyed by the Company, and the Company may thereupon hold, maintain and operate the said railway.

Time for construction of branch lines extended.

9. The Company may, within two years after the passing of this Act, commence the construction of the railways authorized by section 1 of chapter 80 of the statutes of 1900, and may complete the said railways and put them into operation within five years after the passing of this Act; and if the said railways are not commenced, or are not completed and put in operation, within the said periods respectively, the powers of construction shall cease as to so much of the said railways as then remains uncompleted.

Vessels.

Transportation.

Buildings.

10. The Company may, for the purposes of its undertaking, construct, acquire and operate steam and other vessels, stage lines or other conveyances for the conveyance of passengers, goods and merchandise, and may construct, acquire and operate wharves, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business connected with the Company.

Telegraphs and telephones.

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

Issue of securities.

12. The securities issued by the Company shall not exceed ten 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.

13. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with the Harvey Branch Railway Company and the Albert Southern Railway Company, or either of them, for any of the purposes specified in the said section 361.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 35.

An Act to incorporate the Salisbury and Harvey Railroad Company.

First reading, February 3, 1909.

(PRIVATE BILL.)

MR. EMMERSON

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 36.

An Act respecting the Southern Central Pacific Railway Company.

Preamble. 1903, c. 191; 1906, c. 162.

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

Incorporation.

1. Section 1 of chapter 191 of the statutes of 1903, incorporating the Southern Central Pacific Railway Company, as amended by section 1 of chapter 162 of the statutes of 1906, is further amended by striking out of the said section the words "J. D. McLennan, of the city of Cleveland, in the state of Ohio, one of the United States."

1906, c. 162, s. 2, amended.

2. Section 2 of chapter 162 of the statutes of 1906 is amended by striking out of the said section the words "J. D. McLennan, of the city of Cleveland, in the state of Ohio, one of the United States," and substituting therefor the words "Thomas Sturgis, of the city of New York, in the state of New York, one of the United States."

Time for construction extended.

3. The construction of the railway of the Southern Central Pacific Railway Company may be commenced, and fifteen per cent of the amount of the capital stock expended thereon, within two years after the passing of this Act, and the railway finished and put in operation within five years after the passing of this Act; and if the railway is not so commenced and such expenditure is not so made, or if the railway is not finished and put in operation within the said respective periods, the powers of construction granted to the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

1906, c. 162, s. 4 repealed.

4. Section 4 of chapter 162 of the statutes of 1906 is repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 36.

An Act respecting the Southern Central Pacific Railway Company.

First reading, February 3, 1909.

(PRIVATE BILL.)

MR. MCINTYRE,
(Strathcona).

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 37.

An Act to incorporate the Western Canadian Life Assurance Company.

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

1. William Johnston Holt Murison, John Colvin, John Hillyard Richardson, and Clark Hamilton Smith, all of the city of Vancouver, in the province of British Columbia, and Alexander Shepherd Lown, of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Western Canadian Life Assurance Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act, together with such persons, not exceeding nine, as they associate with them, shall be 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 of paying the organization expenses of the Company, and may do generally what is necessary to organize the Company. Provisional directors. Powers.

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

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

2. The directors may, from time to time, establish local advisory boards or agencies, either within Canada or elsewhere. Branch offices.

5. As soon as five hundred thousand dollars of the capital stock of the Company have been subscribed, and ten per cent of that amount paid into some chartered bank in Canada, the First general meeting.

provisional directors shall call a general meeting of the shareholders of the Company at some place to be named in the city of Vancouver, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect not more than 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 fifty shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company.

Policy-holders' directors.

6. In addition to the shareholders' directors there shall be elected by the policy-holders at the first annual meeting after the commencement of business, and at each subsequent annual meeting, six directors, hereinafter called "policy-holders' directors," if there be policy-holders qualified as hereinafter mentioned and willing to act as such directors; but no shareholder shall be eligible as a policy-holders' director.

Qualification.

2. A participating policy-holder who is of the age of twenty-one years, who holds a policy or policies in force on his own life amounting to five thousand dollars or upwards, exclusive of bonus additions or profits, and who has paid all premiums then due thereon, shall be eligible for election as a policy-holders' director.

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.

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; provided further that the amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholders.

Annual meeting.

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.

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 such notice shall intimate that partici-

pating policy-holders may, in accordance with the provisions of this Act, vote for and elect six directors.

Voting. **12.** At the 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 shall be a shareholder entitled to vote. Proxies.

Business of Company. **13.** The Company may effect contracts of life insurance with any person, and may grant, sell or purchase life annuities, grant endowments depending upon the contingency of human life, and generally carry on the business of life insurance in all its branches and forms.

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 British Columbia, where it shall not exceed ten thousand dollars.

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.

Participating policy-holders. **16.** All persons, whether shareholders of the Company or not, who are actual holders of policies from the Company on their own lives, for one thousand dollars or upwards, and are by the terms of their policies entitled to participate in profits, such persons being referred to in this Act as holders of participating policies, shall be members of the Company; and every holder of a participating policy of the Company for the sum of not less than one thousand dollars shall be entitled to one vote for each one thousand dollars assured by his policy; but policy-holders, as such, shall not be entitled to vote for the election of shareholders' directors. Every holder of a proxy shall be a participating policy-holder entitled to vote.

When members of Company. 2. A person holding a participating policy of one thousand dollars and upwards on his life, whether for the benefit of himself or of others, shall be deemed a member of the Company.

Paid up policies to be issued in certain cases. **17.** 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: Provided that if such paid-up and commuted policy or such cash payment is not demanded while such original policy is in force, or within twelve months after default has been made in payment of a premium thereon, the Company shall, without any demand therefor, either issue such paid-up and commuted policy, or pay to or place to the credit of the policy-holder such cash surrender-value.

Application of R.S., c. 79.

18. Part II. of *The Companies Act*, except sections 125, 141, 165 and 168 thereof, shall apply to the Company in so far as the said Act is not inconsistent with any provisions of this Act or of *The Insurance Act*, or of any general Act relating to insurance passed during the present session of Parliament: Provided however that the Company may make loans to its shareholders or policy-holders, not being directors, on the securities mentioned in *The Insurance Act*.

Proviso as to loans.

R.S., c. 34.

19. 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.

1st Session, 11th Parliament, 8-9 Edward VII.,

THE HOUSE OF COMMONS OF CANADA.

BILL 37.

An Act to incorporate the Western Ca
dian Life Assurance Company.

First reading, February 3, 1909.

(PRIVATE BILL.)

MR. KNOWLES

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majest
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 37.

An Act to incorporate the Western Canadian Life Assurance Company.

[*Reprinted as amended, but not reported, by the Banking and Commerce Committee.*]

Preamble.

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

Incorporation.

1. William Johnston Holt Murison, John Colvin, John Hillyard Richardson, and Clark Hamilton Smith, all of the city of Vancouver, in the province of British Columbia, and Alexander Shepherd Lown, of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Western Canadian Life Assurance Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

Powers.

2. The persons named in section 1 of this Act, together with such persons, not exceeding eight, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum; and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon; and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed, or otherwise received by them on account of the Company, and shall withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company.

Capital stock.

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

Head office.

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

Agencies.

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 five hundred thousand dollars of the capital stock of the Company have been subscribed, and ten per cent of that amount paid into some chartered bank in Canada, the

provisional directors shall call a general meeting of the shareholders of the Company at some place to be named in the city of Vancouver, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed 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 fifty shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company.

Policyholders' 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 policyholders from among their number six directors who are not shareholders and who are hereinafter called "policyholders' directors."

Rights of participating policyholders.

2. Every person whose life is insured under a policy or policies of the Company for one thousand dollars or upwards, and who has paid all premiums then due thereon, whether such person is a shareholder of the Company or not, and who 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 not less than one thousand dollars, exclusive of bonus additions or profits, shall be entitled to one vote; but such policyholders shall not be entitled, as such, to vote for the election of shareholders' directors. Every proxy representing a participating policyholder must be himself a participating policyholder and entitled to vote, and any such participating policyholder who is not a shareholder shall be eligible for election as a policyholders' director.

Joint meetings.

3. The policyholders' directors shall meet with the shareholders' directors and shall have a vote upon all business matters.

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.

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.

No subscription reckoned if less than

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. ten per cent paid in cash.

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.

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 such notice, after section 6 hereof becomes operative, shall intimate that participating policy-holders may, in accordance with the provisions of this Act, vote and elect six directors. Notice of annual meeting.

12. At the 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 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 British Columbia, 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 extended insurance under the policy for a period proportionate to such cash surrender value.

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.

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.

Cash surrender value to be applied to policy.

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.

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 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 its shareholders or policy-holders, not being directors, on the securities mentioned in *The Insurance Act*.

Proviso as to loans.

R.S., c. 34.

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.

1st Session, 11th Parliament, 8-9 Edward VII

37.

THE HOUSE OF COMMONS
OF CANADA.

BILL 37.

An Act to incorporate the We
Canadian Life Assurance Company

[Reprinted as amended, but not reporte
the Banking and Commerce Committe

(PRIVATE BILL.)

Mr. KNOWL

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maje
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 38.

An Act respecting the Canadian Northern Quebec Railway Company.

Preamble. 1907, c. 73; 1908, c. 94.

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:—

Short title.

1. This Act may be cited as *The Canadian Northern Quebec Railway Act, 1909.*

Time for construction of railways extended.

2. Unless the Canadian Northern Quebec Railway Company commences within two years and completes and puts in operation within five years after the passing of this Act the following lines of railway, the powers granted for construction shall cease and determine with respect to so much of the said lines as then remains uncompleted, namely, the lines authorized by:—

(*a*) Section 2 of chapter 73 of the statutes of 1907, covering the extension of the St. Jacques-Rawdon branch beyond Rawdon, to a point on or near Lake Archambault, in the county of Montcalm.

(*b*) Section 3 of chapter 70 of the statutes of 1887, as amended by paragraph (*a*) of section 3 of chapter 73 of the statutes of 1907, namely, a double or single line of railway from some point on the Quebec and Lake St. John Railway, or from deep water in the harbour, and thence through the city of Quebec to some point on or near the shore of James Bay, following such general course and direction as to the said company appears desirable, and a branch line from some point on the main line at or near Lake St. John to and through the town of Chicoutimi and St. Alphonse or Ha Ha Bay, and to the St. Lawrence, at or near Tadousac.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 38.

An Act respecting the Canadian Northern Quebec Railway Company.

First reading, February 3, 1909.

(PRIVATE BILL.)

MR DUBEAU.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 39.

An Act to amend the Railway Act.

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

1. *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 26A:— R.S., c. 37. New section.

"**26B.** Where it is complained by or on behalf of the Crown, or of any municipal, railway or other corporation, or of any person aggrieved, that any agreement with the Crown, or between corporations or persons, for or in respect of the providing, constructing, reconstructing, altering, installing, maintaining, operating or using any railway which is under or has become subject to the jurisdiction of the Parliament of Canada, or for or in respect of the structures, appliances, safeguards, equipments, renewals or repairs thereof, or in connection therewith, has not been or is not being complied with, or where it is so complained that any statutory or other duty or obligation with regard to any such matters aforesaid has not been or is not being complied with, then in every such case of failure to comply with, fulfil or observe such agreement, duty or obligation, either by a contracting party or by any person or corporation which has acquired or owns or is in possession or occupation of, or is operating, the railway, the Board shall hear all matters relating to such agreements, duty or obligation, and to such alleged violation or breach or non-compliance, and shall make such order as to the Board, having regard to all the circumstances of the case, seems reasonable, expedient and just, and in such order may, in its discretion, direct the company or person or corporation which made or violated or failed to comply with such agreement or which has acquired or owns or is in possession or occupation of, or is operating, the railway respecting which such agreement was made, or such duty or obligation exists, to do such things as are necessary for the proper fulfilment of such agreement, duty or obligation, or to refrain from doing such acts as constitute a violation or breach thereof or non-compliance therewith."

Non-compliance with agreements.

Statutory duties and obligations.

Powers of Board.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 39.

An Act to amend the Railway Act.

First reading, February 3, 1909.

MR. NORTHRUP.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 40.

An Act to incorporate the Great West Permanent Loan Company.

Preamble.

WHEREAS the Great West Permanent Loan and Savings Company has by its petition represented that it is incorporated under "The Manitoba Building Societies Act," R.S., Man., 1891, c. 14. chapter 14 of the Revised Statutes of Manitoba, 1891, and has prayed that it be enacted as hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation of new Company.

1. The shareholders of the said "The Great West Permanent Loan and Savings Company," hereinafter called "the old Company," together with such persons as become shareholders in the company hereby incorporated, are incorporated under the name of "The Great West Permanent Loan Company," hereinafter called "the new Company."

Corporate name.

Capital and shares.

2. The capital stock of the new Company shall be five million dollars of permanent stock divided into shares of one hundred dollars each.

Shares in old Company converted.

3. The shareholders of the old Company are declared to be holders respectively of shares in the new Company to the same extent, and with the same amounts paid up thereon, as they are holders respectively of shares in the old Company.

Officers.

4. The president, vice-president, secretary, treasurer, and directors of the old Company shall respectively be the president, vice-president, secretary, treasurer, and directors of the new Company until their successors are elected.

By-laws.

5. The by-laws, rules, and regulations of the old Company lawfully enacted shall be the by-laws, rules and regulations of the new Company, subject to repeal, amendment or other change lawfully made.

Liability for obligations of old Company.

6. The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of the old Company; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto, and

to the collection and enforcement thereof, from and against the new Company, its directors and shareholders, as such person has against the old Company, its directors and shareholders.

Existing rights preserved.

7. Nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the old Company, its directors or shareholders, or shall relieve the old Company, its directors or shareholders, from the performance of any debt, liability, obligation, contract or duty.

Acquisition of old Company's assets.

8. The new Company may acquire all the assets, rights, credits, effects, and property, real, personal, and mixed, of whatever kind and wheresoever situate, belonging to the old Company or to which it is or may be, or become entitled, and a conveyance or assignment thereof, in the form of the schedule, to this Act, or to the like effect, shall be sufficient.

Securities for investments.

9. The new Company may lend money on the security of, or purchase or invest in,—

(*a*) mortgages or hypothecs upon freehold or leasehold real estate, or other immovables;

(*b*) the debentures, bonds, stocks and other securities of any government or any municipal corporation or school corporation, or of any chartered bank (to the extent of not more than twenty per cent of the paid-up capital stock of any such bank); provided that the new Company shall not lend upon the security of, or purchase or invest in bills of exchange or promissory notes; and provided also that the new Company shall not invest in nor loan money upon the security of the stock of any other loan company, except as hereinafter authorized.

Proviso.

Personal security.

2. The new 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 new Company.

Agency association.

10. The new Company may act as an agency association for the interest and on behalf of others who entrust it with money for that purpose, and may, either in the name of the new Company or of such others, loan 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.

Enforcement of agreements.

2. The conditions and terms of such loan and advances, and of such purchases and re-sales, may be enforced by the new 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 new Company shall have the same power in respect of such loans, advances, purchase and sales, as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital.

3. The new company may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys entrusted to the new Company for investment. Guarantee of moneys.

4. The new Company may, for every or any of the foregoing purposes, lay out and employ the capital and property, for the time being, of the new Company, or any part of the moneys authorized to be raised by the new Company in addition to its capital for the time being, or any moneys so entrusted to it as aforesaid, and may do, assent to and exercise all acts whatsoever, which, in the opinion of the directors of the new Company, 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 new Company, shall, for the purposes of this Act, be deemed to be money borrowed by the new Company. Money guaranteed to be deemed borrowed.

11. The new Company may liquidate, and carry on for the purposes of such liquidation, the business of any other company carrying on any business which the new Company is authorized to carry on, upon such terms as are agreed upon. Liquidation of other companies.

12. The new Company may, subject to any limitations or prohibitions 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 new Company's paid up stock, but no such loan shall exceed sixty per cent of the par value of such stock. The amount of such advances shall be deducted from the amount of the paid up capital upon which the new Company is authorized to borrow. Loans upon Company's stock.

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

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

15. So long as the new Company is indebted for money received upon deposit, its total assets over and above the value Limitation to holding real estate.

of its real estate and its mortgages or hypothecs upon freehold leasehold real estate or immovables shall be equal to at least twenty per cent of its indebtedness in respect of such money.

Directors.

16. The affairs of the new Company shall be managed by a board of not less than seven directors, who may pay all the expenses incurred in organizing and incorporating the new Company, and may affix the seal of the new Company, and may make or cause to be made for the new Company any description of contract, which the new Company may, by law, enter into, and may exercise all such powers of the new Company, as are not by this Act required to be exercised by the new Company in general meeting, and the directors may from time to time among other things, also exercise the following powers, the same being specifically referred to for greater certainty, but not so as to restrict the generality of the foregoing terms of this section,—

General powers.

Special powers.

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

(*b*) declare and pay dividends;

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

(*d*) appoint and remove all agents, officers and servants of the new Company, and provide for and determine their functions and duties, the security to be given by them to the new Company and their remuneration.

(*e*) determine the time and place for the holding of all meetings of the new Company, the calling of all meetings of the board of directors and of the new Company, the quorum at meetings of directors and of the new Company,and the procedure in all things at such meetings;

(*f*) provide for the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law;

(*g*) conduct in all other particulars the affairs of the new Company;

(*h*) make by-laws for the regulation of the business of the new Company, its officers, agents and servants, or the members of the new Company;

(*i*) determine, subject to the provisions of this section, the number of directors, the term of service, the amount of their stock qualification, and their remuneration, if any.

Head office.

17. The head office of the new Company shall be at the city of Winnipeg in the province of Manitoba, or in such other place in Canada as the directors may from time to time determine by a by-law confirmed at a special general meeting of the new Company duly called for the purpose of considering it.

Debenture stock.

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

Limitation.

Ranking.

Registration of debenture stock.

19. The debenture stock aforesaid shall be entered by the new Company in a register to be kept for that purpose in the head office of the new Company, 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 entited, and such stock shall be transferable in such amounts and in such manner as the directors may determine. The said register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture-stock-holder and shareholder of the new Company, without the payment of any fee or charge.

Transfer of debenture stock.

20. All transfers of debenture stock of the new Company shall be registered at the head office of the new Company, and not elsewhere, but the said transfers may be left with such agent or agents in the United Kingdom as the new Company appoints for that purpose, for transmission to the new Company's head office for registration.

Exchange of ordinary debentures.

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

Cancellation of debenture stock.

22. The new Company, having issued debenture stock, may, from time to time, as it thinks fit, and for the interest of the new Company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Preference stock.

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

Holders may select directors.

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

By-law to be sanctioned.

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

Preference stock holders to have rights of shareholders.

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

Rights of creditors saved.

5. Nothing in this section contained or done in pursuance thereof shall effect or impair the rights of creditors of the new Company.

Agencies.

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

No liability on trusts.

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

Increase of capital.

26. The directors, at any time after the whole of the capital stock of the new Company has been subscribed and fifty per cent thereof paid up, but not sooner, may, from time to time, by by-law, provide for the increase of the capital stock of the new Company to any amount which they consider requisite.

By-laws affecting capital to be sanctioned.

27. No by-law for increasing the capital stock of the new 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 new 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 new Company, represented at such meeting, and provided that such by-law has afterwards been confirmed by a certificate of the Minister of Finance given under the authority of the Treasury Board.

Certificate of Minister of Finance.

28. Upon application to the Minister of Finance for a certificate confirming such by-law, the new Company shall satisfy him of the *bona fide* character of the increase 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 of capital may, by the said certificate, be changed, and the increase made subject to such conditions as the Treasury Board thinks proper.

Reserve fund.

29. The directors may set aside out of the profits of the new Company such sums as they think proper as a reserve fund to meet contingencies or for equalizing dividends, or for repairing, improving and maintaining any of the property of the new Company, and for such other purposes as the directors shall, in their discretion, think conducive to the interests of the new Company, and may invest the several sums so set aside upon such investments (other than shares of the new Company) as they think fit, and may from time to time deal with and vary such investments and dispose thereof for the benefit of the new Company, and may divide the reserve fund into such special funds as they think fit, and may employ the assets constituting the reserve fund, in the business of the new Company, and that, without being bound to keep them separate from the other assets; provided that the investment of the reserve fund shall be subject to the limitations contained in section 9 of this Act.

Business outside of Canada.

30. The new 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 new Company outside of Canada, and the directors may give effect to such by-law without being liable for any breach of trust in so doing.

Office buildings.

2. If, as provided in subsection 1 hereof, the new Company carries on business outside of Canada, the new Company may, in general meeting of the shareholders, duly called for that purpose, pass a by-law authorizing the directors to invest the money of the new Company in the erection or purchase of buildings required for the occupation of the new Company in any place where the new Company is so carrying on business.

Power to acquire other companies.

31. The new Company may purchase the entire assets and acquire and undertake the whole or any part of the business, property and liabilities and the name and good will of any other company or companies carrying on any business which

the new Company is authorized to carry on, or possessed of property suitable for the purposes of the new Company, and 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 whose assets the new Company desires to purchase are hereby authorized to sell and transfer their respective assets, business, property, name and good will, and the new Company and any of such companies may enter into all agreements of purchase and sale and do all other acts necessary or convenient for the purposes of such purchase and sale; provided always that specified assets may be excepted from any such purchase and sale. The execution of any such agreement shall, *ipso facto*, vest in the new Company, the interest and title to the property the subject matter of the agreement, and the business, property, real and personal, and all rights and incidents appurtenant thereto, also all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and all other things belonging to such other company as may be party to the agreement (save and except such assets as are specifically excepted from any such purchase and sale) shall be taken and deemed to be transferred to and vested in the new Company without further act or deed.

Debenture stock may be issued in lieu of existing debenture stock.

32. In case any company whose assets are acquired by the new Company has issued debenture stock, and such debenture stock is outstanding at the date of the acquisition aforesaid, the directors of the new Company may, if and when they think fit, and either with or without the sanction of the shareholders, issue debenture stock to the extent of the nominal value of the debenture stock of such other company outstanding as aforesaid, and may, with the consent of any holder of debenture stock in such other company, give to him, in lieu of the debenture stock held by him, debenture stock of the new Company on such terms as may be agreed upon.

Issue of partly paid up stock to shareholders of other companies.

33. In the case of any partly paid up stock issued by the new Company as the consideration in whole or in part of the purchase by the new Company of the assets of any other company, the liabilities of the holder of such partly paid up stock, in respect of the unpaid portion thereof, shall be reduced by five equal annual amounts at the end of one, two, three, four and five years respectively from the date of the issuing of such partly paid up stock; provided that no such annual reduction shall be made unless and until the liabilities of the new Company which have matured up to the time when the reduction is sought to be made shall have been met by the new Company.

Proviso.

Rights of creditors.

2. The stock referred to in this section shall, as against creditors subsequent to the reduction hereby authorized, be considered as paid up stock.

Directors may carry out agreements with other companies.

34. The directors of the new Company may adopt and carry into effect agreements with any other companies, as provided in section 31 hereof, provided that such agreement has been

ratified and confirmed by a vote of the shareholders of each of the companies parties to such agreements present or represented by proxy at a meeting of the shareholders of each such company duly called for the purpose, and holding not less than two-thirds of the amount paid up upon the capital stock of such company represented at such meeting.

Transmission of interest in shares otherwise than by transfer.

35. If the interest of any person in any share in the capital stock, or debenture stock, or in any bond, debenture or obligation of the new Company (such bond, debenture or obligation not being payable to the bearer), is transmitted in consequence of the death, bankruptcy, or insolvency of such holder, or by any other lawful means other than a transfer upon the books of the new Company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the new Company, or to recognize such transmission in any manner until a declaration in writing, showing the nature of such transmission, and signed and executed by the person claiming by virtue of such transmission, and also executed by the former shareholder, if living, and having power to execute it has been filed with the manager or secretary of the new Company and approved by the directors, and if the declaration purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a notary public, or of a judge of a court of record, or of a mayor of any city, town or borough or other place, or a British consul or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to the declaration and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of the transmission to be entered in the books of the new Company.

Requirement in case of transmission by will or intestacy.

36. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy, the probate of the will or letters of administration or testamentary document, or other judicial or official instrument under which the title, (whether beneficial or as trustee) or the administration or control of the personal estate of the deceased shall purport to be granted by any court or authority in Canada, or in Great Britain or Ireland, or any other of His Majesty's dominions, or in any foreign country, or an authenticated copy thereof or official extract therefrom shall, together with the declaration mentioned in section 35 of this Act, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the purpose of receiving it, and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or transferring or consenting to the transfer of any bond, debenture, obligation or share, in pursuance of, and in conformity to, such probate, letters of administration or such other document as aforesaid.

Directors may apply to court in cases of doubt.

37. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such shares, bonds, debentures, obligations, dividends or coupons, or the proceeds thereof, then and in such case the directors may file in the court of King's Bench for Manitoba, a petition stating such doubts, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons, or proceeds to the parties legally entitled thereto, and such court shall have authority to restrain any action, suit or proceedings against the new Company, and the directors and officers thereof for the same subject matter, pending the determination of the petition; and the new Company and the directors and officers thereof, shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters which have been in question in such petition, and the proceedings thereupon, provided that if the court adjudges that such doubts were reasonable, the costs, charges and expenses of the new Company, in and about such petition and proceedings, shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds, and shall be paid to the new Company before the directors shall be obliged to transfer, or assent to the transfer of, or to pay such shares, bonds, debentures, obligations, dividends, coupons or proceeds to the parties found entitled thereto.

Term for which land may be held.

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

Forfeiture.

Extension of term.

Notice of enforcing forfeiture.

Annual] statement

39. The new Company shall transmit, on or before the first of March in each year, to the Minister of Finance and Receiver General, a statement in duplicate, to the thirty-first of December inclusive 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 new Company and the proportion thereof paid up, the assets and liabilities of the new Company and amount and nature of the investments made by the new Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the new Company as the Minister of Finance and Receiver General requires, and in such form and with such details as he, from time to time, requires and prescribes; but the new Company shall, in no case, be bound to disclose the name or private affairs of any person who has dealings with it.

Application of R.S., c. 79.

10. Sections 125, 131, 134, 135, 136, 137, 141, 158, 159, 161, 165 and 167 of *The Companies Act* shall not apply to the new Company.

Provision for bringing this Act into force.

11. This Act shall not take effect unless and until, at a special general meeting of the shareholders of the old Company duly called for the purpose of considering it, a resolution accepting and approving thereof, and fixing the date or event upon which this Act is to take effect, has been passed by the shareholders present or represented by proxy at such meeting, and holding not less than seventy-five per cent of the subscribed capital stock of the new Company represented at such meeting; and a certified copy of such resolution shall, within fifteen days from the passing thereof, be transmitted to the Secretary of State of Canada, and shall be by him published in *The Canada Gazette;* and upon such resolution being passed this Act shall take effect from the time or event fixed by such resolution: Provided, that, prior to the time or event so fixed, the directors of the new Company may pass the necessary by-laws for the organization of the new Company, and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 8 of this Act, and may do whatever is required for compliance with any laws relating to the licensing, registration or otherwise of the new Company in any province of Canada.

Proviso as to organization, etc.

SCHEDULE.

This indenture made the ———— day of ———— A.D. 190—, between The Great Western Permanent Loan and Savings Company, of the first part, hereinafter called the old Company, and The Great West Permanent Loan Company, of the second part, hereinafter called the new Company.

Whereas the shareholders of the old Company have accepted and approved of the new Company's Act of incorporation, being chapter of the statutes of Canada of 1909, intituled "An Act to incorporate the Great West Permanent Loan Company," and by the resolution of the shareholders duly passed in that behalf, the ———— day of ————

(*or* the execution hereof, *as the case may be*) was fixed as the date (*or* event) from which the said Act should take effect;

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old Company.

And whereas the old Company has agreed to convey and assign the same to the new Company;

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

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

1st Session, 11th Parliament, 8-9 Edward V

THE HOUSE OF COMMO
OF CANADA.

BILL 40.

An Act to incorporate the Great
Permanent Loan Company.

First reading, February 5, 190

(PRIVATE BILL.)

MR. HAGGART,
(Winnip

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 41.

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

Preamble. 1890, c. 56; 1902, c. 105; 1904, c. 133.

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:—

Time for construction of railway extended.

1. The Tilsonburg, Lake Erie and Pacific Railway Company may, within five years after the passing of this Act, complete and put in operation the line of railway which it was authorized to construct by section 2 of chapter 105 of the statutes of 1902, and if the said railway is not so completed and put in operation within the said period the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

1904, c. 133 repealed.

2. Chapter 133 of the statutes of 1904 is repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 41.

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

First reading, February 5, 1909.

(PRIVATE BILL.)

MR. SCHELL.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 42.

An Act respecting the Toronto, Niagara and Western Railway Company.

Preamble.

1903, c. 196; 1904, c. 135; 1905, cc. 163, 164; 1906, c. 169.

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:—

Time for construction of railways extended.

1. The Toronto, Niagara and Western Railway Company may, within five years after the passing of this Act, complete and put in operation the railways which it has heretofore been authorized to construct; and if the said railways are not completed and put in operation within the said period the powers of construction conferred upon the said company by Parliament shall cease and be null and void with respect to so much of the said railways as then remains uncompleted.

1906, c. 169, s. 5 repealed.

2. Section 5 of chapter 169 of the statutes of 1906 is repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 42.

An Act respecting the Toronto, Niagara and Western Railway Company.

First reading, February 5, 1909.

(PRIVATE BILL.)

MR. CALVERT.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 43.

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

Preamble. 1896 (2nd Sess.), c. 7; 1898, c. 65; 1901, c. 65; 1903, c. 129; 1905, c. 104.

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:—

Time for construction of railway extended.

1. The Hudson's Bay and Pacific 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 the passing of this Act, and may finish the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not finished and put in operation, within the said respective periods, the powers granted to the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Provisional directors.

2. Admiral Albert Hastings Markham, Admiral Edmund Bourke, Colonel Josiah Harris, John Weston, J. A. Clarke, J. A. Reed and Lieutenant Colonel Thomas Thomson Turnbull, all of London, England; and Alphonse Racine and Eustache H. Lemay, both of Montreal; and Edwin E. LaBeree and R. Jones, both of Ottawa, Canada, are constituted provisional directors of the said company.

1896, (2nd Sess.) c. 7, s. 10; 1901, c. 65; 1903, c. 129; 1905, c. 104, s. 1 repealed.

3. Section 10 of chapter 7 of the statutes of 1896, (Second Session) chapter 65 of the statutes of 1901, chapter 129 of the statutes of 1903, and section 1 of chapter 104 of the statutes of 1905, are repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 43.

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

First reading, February 5, 1909.

(PRIVATE BILL.)

MR. CASH.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 44.

An Act to incorporate the Canadian Liverpool and Western Railway Company.

Preamble.

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

Incorporation.

1. Samuel Guy McClenahan, of the city of Montreal, in the province of Quebec; and George S. May, Donald G. Stewart, Thomas Bremner Rankin, and William Johnston, of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Canadian, Liverpool and Western Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in the city of Ottawa, in the province of Ontario.

Annual meeting.

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

Number of directors.

7. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

8. The Company may lay out, construct and operate a railway of the guage of four feet eight and one half inches:—

(*a*) from a point on the Transcontinental Railway at or near the junction of the Ribbon, Maunan and St. Maurice Rivers, in the province of Quebec, thence north-easterly by the most direct and feasible route to a point on the southern shore of Lake St. John; thence in an easterly direction along the Saguenay River to the mouth of the said river;

(*b*) from the mouth of the Saguenay River in a south-westerly direction, following the River St. Lawrence, by the most direct and feasible route to the city of Quebec; thence along the western or upper shore of the River St. Lawrence by the most direct and feasible route to the city of Montreal, in the province of Quebec.

Issue of securities.

9. 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.

Special powers.

Vessels.

Buildings.

10. The Company may, for the purposes of its undertaking,—

(*a*) construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith;

Water power, compressed air and electricity.

(*b*) acquire and utilise water and steam power for the purpose of compressing air or generating electricity for lighting, heating or motor purposes and may, subject to the approval of the Board of Railway Commissioners for Canada, and subject to section 247 of *The Railway Act*, supply, sell or otherwise dispose of surplus power generated by the Company's works and not required for the undertaking of the Company, and for the purposes of such acquisition, utilization and disposal, construct, operate and maintain lines for the conveyance of light, heat, power and electricity

Distribute power.

(*c*) acquire electric or other power or energy which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built; and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof.

Telegraph and telephone lines.

11. 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 lease its own lines to, any such companies.

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.

R.S., c. 126.

3. Part II of *The Telegraphs Act* shall apply to the telegraphic business of the Company.

Issue of bonds for property other than railway.

12. The Company, having been first authorized by a resolution passed at any annual meeting, or at a special general meeting of the shareholders duly called for that purpose, may

from time to time issue bonds, debentures or other securities for the purchase of lands, the construction or acquisition of any vessels or other properties or works of any kind, other than the railways which the Company is authorized to acquire or operate; but such bonds, debentures or other securities shall not exceed in amount the value of such vessels, properties and works.

Agreements with other companies.

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 Transcontinental Railway Company, The Grand Trunk Pacific Railway Company, The Grand Trunk Railway Company, the Canadian Pacific Railway Company, the Canadian Northern Quebec Railway Company, or any of them.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 44.

An Act to incorporate the Canadian, Liverpool and Western Railway Company.

First reading, February 5, 1909.

(PRIVATE BILL.)

MR. GIRARD.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 45.

An Act respecting Load Lines on Ships.

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

Ships to be marked with discs, and with lines indicating decks.

1. The owner of every Canadian ship of fifty tons gross and over used in the navigation of the inland waters of Canada shall, within sixty days after the passing of this Act, mark upon each side of the said ship, amid-ship, or as near thereto as is possible, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter having a horizontal line eighteen inches in length drawn through its centre; and the said ship shall be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth painted longitudinally on each side, amid-ship, or as near thereto as is practicable, and indicating the position of each deck which is above water.

Position of lines.

2. The upper edge of each of such lines shall be level with the upper side of the deck plank next the waterway at the place of marking.

Colour.

3. The said lines shall be white or yellow on a dark ground, or black on a light ground.

Distance between decks to be stated in customs entry.

2. The owner of every ship of fifty tons gross and over used in the navigation of the said waters shall, upon entering his ship outwards from any port in Canada, insert in the form of entry delivered to the customs officer in charge a statement of the distance in feet and inches between the centre of the load line disc and the upper edge of the line indicating the position of the ship's deck which is above that centre.

Log book.

2. The master of the ship shall also enter a copy of the said statement in the official log book.

Alterations.

3. When a ship has been so marked she shall be kept so marked until notice is given of an alteration.

Barges to be marked with dics.

3. The owner of every Canadian barge of one hundred tons and over, proceeding to sea from a port on the Atlantic or Pacific coasts, or used in the navigation of the Great Lakes or Gulf of St. Lawrence, shall, within sixty days after the passing of this Act, mark upon each side of the said barge, amid-ship, or as near thereto as is possible, in white or yellow on a dark ground, or in black on a light ground, a circular disc, twelve inches in diameter having a horizontal line eighteen inches in length drawn through its centre.

Centre of disc to indicate maximum load line.

4. The centre of the said disc shall be placed at such a level as is approved by the inspector of hulls and equipment for the district, and shall indicate the maximum load line to which the said barge may be loaded.

Load line not to be submerged.

5. If the barge is so loaded as to submerge the centre of the disc indicating the load line, the barge shall be deemed to be unseaworthy, and such submersion shall be reasonable cause for detaining the vessel.

Penalty for failure to keep load line marked.

6. Any owner or master of a barge which is required by this Act to be so marked, who fails to cause his barge to be so marked or to keep it so marked, or allows such barge to be so loaded as to submerge the centre of the disc indicating the load line, or any person who conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any of the said marks, shall, for each such offence, be liable to a fine not exceeding one thousand dollars.

Names and address of passengers and crew to be left at port of departure.

7. The master of every ship which leaves a port in Canada between the fifteenth day of September and the fifteenth day of April in the following year, shall give to the customs officer, light house keeper or warehouseman at the port of departure a list of the names and places of residence of the crew or of the passengers, if any, who embark on the said ship for the voyage in question, and who leave the said port in such ship.

List to be open to inspection.

2. The officer or other person receiving the said list shall preserve it, and leave it open for public inspection at all reasonable times.

45.

1st Session, 11th Parliament, 8-9 Edward VII.

THE HOUSE OF COMMONS
OF CANADA.

BILL 45.

An Act respecting Load Lines on Shi

First reading, February 8, 1909.

MR LEWI

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majes
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 46.

An Act respecting the Crawford Bay and St. Mary's Railway Company, and to change its name to "The British Columbia, Alberta, Saskatchewan and Manitoba Railway Company."

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1904, c. 70; 1906, c. 85; 1907, c. 79.

1. The name of the Crawford Bay and St. Mary's Railway Company, hereinafter called "the Company," is changed to "The British Columbia, Alberta, Saskatchewan and Manitoba Railway Company;" but such change of name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed. Name changed. Existing rights saved.

2. Section 5 of chapter 70 of the statutes of 1904 is repealed, and in lieu thereof it is enacted that the head office of the Company shall be in the town of Lethbridge, in the province of Alberta. Head office. 1904, c. 70, s. 5 repealed.

3. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into an agreement with the Northern Empire Railway Company for any of the objects specified in the said section 361. Agreement with another company.

4. The 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 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 the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation, within the said periods respectively, 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. Time for construction of railway extended.

5. Section 5 of chapter 79 of the statutes of 1907 is repealed. 1907, c. 79, s. 5 repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 46.

An Act respecting the Crawford Bay and St. Mary's Railway Company, and to change its name to "The British Columbia, Alberta, Saskatchewan and Manitoba Railway Company."

First reading, February 9, 1909.

(PRIVATE BILL.)

MR. MCINTYRE,
(Strathcona.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 47.

An Act respecting the Guelph and Goderich Railway Company.

Preamble.

1904, c. 81.

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:—

Time for construction of branch line extended.

1. The Guelph and Goderich Railway Company may commence the construction of the branch line of railway from a point in the township of Woolwich, Peel or Wellesley to the towns of St. Marys and Clinton, via Stratford, authorized by section 7 of chapter 81 of the statutes of 1904, within two years after 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 the said railway is not so commenced, or is not completed and put in operation within the said periods respectively, the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 47.

An Act respecting the Guelph and Goderich Railway Company.

First reading, February 9, 1909.

(PRIVATE BILL.)

MR. LEWIS.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 48.

An Act respecting the Montreal Terminal Railway Company.

Preamble. 1894, c. 83; 1896, (1st Sess.), c. 27; 1898, c. 79; 1899, c. 76; 1904, c. 99.

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:—

Time for construction of railway extended.

1. The railway of the Montreal Terminal Railway Company, hereinafter called "the Company," may be completed and put in operation within five years after the passing of this Act, and if the said railway is not so completed and put in operation the powers 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.

1904, c. 99 repealed.

2. Chapter 99 of the statutes of 1904 is repealed.

Elevated railway authorized.

3. The Company may lay out, construct and operate an elevated railway from the western limits of the city of Montreal to the eastern limits of the town of Maisonneuve.

Route to be approved by municipalities.

2. Where the Company requires to construct the said railway on the river front, or upon or across any streets of the said city or town, the route of the said elevated railway shall be subject to the approval of the city council of the said city and the municipal council of the said town respectively, and in case of disagreement between the Company and the said councils, or either of them, the route shall be determined by the Board of Railway Commissioners for Canada.

In case of disagreement to be settled by Board.

Construction and operation to be approved by municipalities.

3. The said elevated railway shall be erected at a height of not less than twenty feet from the surface of the said streets; and the mode of constructing the said elevated railway and the manner of operating it shall be subject to the approval of the said councils, respectively, and in case of disagreement between the Company and the said councils, or either of them, the matters in dispute shall be determined by the said Board.

In case of disagreement to be settled by Board.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 48.

An Act respecting the Montreal Terminal Railway Company.

First reading, February 9, 1909.

(PRIVATE BILL.)

MR. GEOFFRION.

OTTAWA
Printed by C. H. PARMELEE,
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 49.

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

Preamble.

1899, c. 83; 1901, c. 80; 1902, c. 89; 1903, c. 173; 1904, c. 111; 1905, c. 142.

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:—

Time for construction of railway extended.

1. The Ottawa, Northern and Western Railway Company may commence the construction of the extension of its main line from Maniwaki to a point at or near James Bay, authorized by paragraph (*a*) of section 11 of chapter 87 of the statutes of 1894, and the extensions and branches authorized by paragraphs (*b*) and (*c*) of the said section, within two years after the passing of this Act, and may complete the said extensions and branches and put them in operation within five years after the passing of this Act; and if the said extensions and branches are not so commenced, or are not completed and put in operation, within the said periods respectively, the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said extensions and branches as then remains uncompleted.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 49.

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

First reading, February 9, 1909.

(PRIVATE BILL.)

MR. DEVLIN.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 50.

An Act to incorporate *La Compagnie du chemin de fer International de Rimouski.*

[*Reprinted as amended and reported by the Railway Committee.*]

Preamble.

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

Incorporation.

Corporate name.

1. Pierre E. D'Anjou, of Bic, Joseph Adam Talbot, Herménégilde Lepage, Edouard Letendre, Louis Taché, Arthur Chamberland, Paul Raymond, J. Abraham Théberge, Napoléon Bernier, Louis N. Asselin, all of the town of Rimouski, and J. Ferdinand Demers, of the city of Lévis, in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of *La Compagnie du chemin de fer International de Rimouski,* hereinafter called "the Company."

Directors.

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

Capital stock.

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

Head office.

4. The head office of the Company shall be in the town of St. Germain de Rimouski.

Annual meeting.

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

Directors.

6. The number of directors shall be not less than five, nor more than eleven, 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 or near the town of Rimouski, in the province of Quebec, or from a point between the eastern limits of the said town and the Pointe-au-Père wharf, thence following the course of the Rimouski river to the middle of Duquesne township, thence westerly following the course of one of the tributaries of the lakes in the northern portion of Chenier township; thence in

the direction of Lac des Aigles, in Biencourt township, thence following the course of the Biencourt river to the first Squateck lake, in Robitaille township, thence to the second Squateck lake and the Squateck river, in Auclair township, thence to the great Squateck lake, in Rouillard township, thence to the Owens river and the west branch of the Iroquois river, and thence to the town of Edmundston, on the St. John river, in the province of New Brunswick.

Special powers.

Vessels.

Buildings.

8. The Company may construct, acquire and operate steam and other vessels for the transportation of freight and passengers on all navigable waters along or touched by its railway; and may construct and maintain docks, workshops, warehouses, wharfs, dry docks and piers at all points along its railway, or in connection therewith.

Consent of municipalities.

9. The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Electric or other power.

Rates and charges.

10. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric or other power or energy, which may be transmitted and delivered to any place in the district through which the railway is authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may 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.

Consent of municipalities.

11. 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 upon with such municipality.

Telegraphs and telephones.

Contracts with other companies.

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 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 con-

nect its own lines with the lines of, or may lease its own lines to, any such companies.

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. Tolls and changes.

3. Part II of *The Telegraphs Act* shall apply to the telegraphic business of the Company. R.S., c. 126.

13. The Company may construct, acquire or lease buildings for hotels and restaurants along its railway; and may carry on such business in connection therewith as tends to the comfort and convenience of the travelling public; and may lay out and manage parks and pleasure grounds, and lease them. Hotels, etc. Parks.

14. 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. Issue of securities.

15. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with the Temiscouata Railway Company and the Canadian Pacific Railway Company, or either of them, for any of the purposes specified in the said section 361; and may enter into agreements with the Government of Canada with regard to the Intercolonial Railway and the National Transcontinental Railway. Agreements with other companies.

16. The Company shall print its time-tables and bills of lading in both the English and French languages. Time-tables and bills of lading in English and French.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 50.

An Act to incorporate *La Compagnie du chemin de fer International de Rimouski.*

[*Reprinted as amended and reported by the Railway Committee.*]

(PRIVATE BILL.)

MR. ROSS.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 51.

An Act to incorporate the Royal Casualty and Surety Company, of Canada.

[*Reprinted as proposed to be amended in the Banking and Commerce Committee.*]

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

1. Hugh H. McLean, Norman L. McGloan, Frederick R. Taylor, Matthew B. Edwards and Harry M. Hopper, all of the city of St. John, in the province of New Brunswick, together with such persons as become shareholders in the company, are incorporated under the name of "The Royal Casualty and Surety Company, of Canada," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act, together with such persons, not exceeding six, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company. Provisional directors. Powers.

3. The head office of the Company shall be in the city of Montreal, in the province of Quebec. Head office.

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. Branches.

4. The capital stock of the Company shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each. Capital stock.

2. The directors may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding five hundred thousand dollars; but the stock shall Increase of capital.

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 shareholders duly called for that purpose.

First general meeting.

5. So soon as one 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 said city of Montreal, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent of the amount of shares subscribed for by them shall elect a board of not less than eight nor more than twenty-four directors, a majority of whom shall be a quorum.

Election of directors.

Qualification of directors.

2. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital 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 commencement of business, and at such meeting 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 five of the directors, or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

Notice of meeting.

2. 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 by registered letter to the addresses of the shareholders respectively given in the books of the Company.

Calls.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice shall be given of any call; and any notice of call may be effectually given by sending the notice by registered letter post paid to the last known address of each shareholder.

When business may be commenced.

2. The Company shall not commence the business of accident, sickness and guarantee insurance as provided for by this Act until two hundred and fifty thousand dollars of the capital stock have been subscribed and ninety thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided

Accident and sickness insurance.

that the Company may commence the business of accident or accident and sickness insurance when one hundred and fifty thousand dollars of the capital stock have been subscribed and forty thousand dollars have been paid in cash into the funds of the Company: Provided further that in case the business of accident and sickness insurance has not been so taken up, the Company may commence the business of guarantee insur-

Guarantee insurance.

ance when one hundred and seventy-five thousand dollars of the capital stock have been subscribed and sixty thousand dollars have been paid in cash into the funds of the Company.

Amounts paid 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 of ninety thousand dollars, forty thousand dollars and sixty thousand dollars required to be paid into the funds of the Company under the provisions of subsection 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 for by this Act.

Business which may be carried on.

8. The Company may carry on such and so many of the classes, branches or kinds of insurance mentioned in section 9 of this Act as are from time to time covered by the license issued to the Company pursuant to the statutes respecting insurance.

Kinds of insurance.

9. The classes, branches or kinds of insurance referred to in section 8 of this Act are the following, namely:—

Accident insurance

(*a*) the making of contracts of insurance with any person 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 of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon;

Sickness insurance.

Indemnity insurance.

(*b*) the making of contracts of indemnity with 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 accidents or casualties of whatever nature or from whatever cause arising whereby the insured suffers pecuniary loss or damage or incurs costs and expenses;

Guarantee insurance.

(*c*) the making of contracts—

(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 of the duties and obligations imposed upon them by contract or 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;

(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;

Accidental damage to personal property.

(*d*) the making of contracts of insurance, other than plate or other glass, against accidental damage or loss, total or partial, to personal property, other than plate or other glass, *in situ* or in transit, by reason of any cause whatsoever, except loss directly or indirectly by fire or by perils of navigation.

Inspection of machinery, etc.

10. The Company may inspect, and issue certificates of inspection of, boilers, pipes, engines, motors and machinery.

Re-insurance.

11. The Company may also cause itself to be insured against any risk undertaken in the course of its business.

Real property which may be held.

12. The Company may acquire and hold any real property required in part or wholly for its use and accommodation, and may dispose thereof when necessary; but the annual value of such property held in any province of Canada shall not exceed three thousand dollars, except in the province of Quebec where it shall not exceed five thousand dollars.

R.S., c. 79
R.S., c. 34

13. Notwithstanding anything therein, Part II of *The Companies Act*, except sections 125, 134, 135, 141, 158, 159 and 165 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* and of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

Application of Insurance Acts.

Conflicting provisions.

14. 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.

51.

1st Session, 11th Parliament, 8-9 Edward VII.

THE HOUSE OF COMMONS
OF CANADA.

BILL 51.

An Act to incorporate the Royal Cas
and Surety Company, of Canada

[*Reprinted as proposed to be amended*
Banking and Commerce Committee

(PRIVATE BILL.)

MR. MCLEAN,
(Sunbury and Queen

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 52.

An Act respecting the Bank of Vancouver.

Preamble. 1908, c. 166.

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:—

Extension of time for Treasury Board certificate. R.S., c. 29.

1. Notwithstanding anything in *The Bank Act*, or in chapter 166 of the statutes of 1908, incorporating the Bank of Vancouver, the Treasury Board may, within two years from the second day of April, nineteen hundred and eight, give to the said bank the certificate required by section 14 of *The Bank Act*.

Powers to cease if certificate not obtained.

2. In the event of the said bank not obtaining the said certificate from the Treasury Board within the time aforesaid, the rights, powers and privileges conferred on the said bank by the said Act of incorporation and by this Act shall thereupon cease and determine, but otherwise shall remain in full force and effect notwithstanding section 16 of *The Bank Act*.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 52.

An Act respecting the Bank of Vancouver.

First reading, February 9, 1909.

(PRIVATE BILL.)

MR. COWAN.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 53.

An Act respecting the Walkerton and Lucknow Railway Company.

Preamble.

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

1904, c. 138; 1905, c. 175.

Time for construction of railway extended.

1. The Walkerton and Lucknow Railway Company may commence the construction of its railway from a point at or near the town of Walkerton to a point at or near the village of Lucknow, via Teeswater, authorized by section 8 of chapter 138 of the statutes of 1904, within two years after 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 the said railway is not so commenced or is not completed and put in operation within the said periods respectively, the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 53.

An Act respecting the Walkerton and Lucknow Railway Company.

First reading, February 9, 1909.

(PRIVATE BILL.)

MR. DONNELLY.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 54.

An Act to amend the Railway Act.

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

1. *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 253:— R.S., c. 37, new section.

"**253A.** For the purpose of enforcing the provisions of section 252 of this Act, any land-owner may, instead of making application to the Board, as provided in section 253 of this Act, bring an action in a court of the province in which his land is situate." Farm crossings. Application to courts.

2. Section 254 of the said Act is amended by adding thereto the following subsection:— Section 254 amended.

"5 In default of the company carrying out the provisions of this section any land-owner may bring an action in a court of the province in which his land is situate for the purpose of enforcing the said provisions." Fences, gates, etc. Application to courts.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL 54.

An Act to amend the Railway Act.

First reading, February 11, 1909.

MR. NANTEL.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 55.

An Act to incorporate the British Columbia Life Assurance Company.

Preamble.

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

Incorporation.

1. John Joseph Banfield, David Griffith Williams, John Theodore Phelan, Frederick Coate Wade, Joseph Nealon Ellis, Patrick Donnelley, Alexander Stuart Munro, all of the city of Vancouver, in the province of British Columbia, and Chester Ernest Sampson, of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The British Columbia Life Assurance Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

Powers.

2. The persons named in section 1 of this Act, together with such persons, not exceeding nine, 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.

Capital stock.

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

First general meeting.

4. So soon as two hundred and fifty thousand dollars of the capital stock of the Company have been subscribed, and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Vancouver, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent of the amount of shares subscribed for by them, shall elect not more than 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

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

Head office.

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

Branch offices.

2. The directors may from time to time establish branches, sub-boards or agencies, either within Canada or elsewhere, in such manner as the directors from time to time appoint.

Policy-holders' directors.

6. In addition to the shareholders' directors there shall be elected by the policyholders at the first annual meeting after the commencement of business, and at each subsequent annual meeting, six directors, hereinafter called "policyholders' directors," if there be policyholders qualified as hereinafter mentioned and willing to act as such directors; but no shareholder shall be eligible as a policyholders' director.

Qualification.

2. A participating policyholder who is of the age of twenty-one years, who holds a policy or policies in force on his own life amounting to five thousand dollars or upwards, exclusive of bonus additions or profits, and who has paid all premiums then due thereon, shall be eligible for election as a policyholders' director.

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.

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-five thousand dollars of the capital stock have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act: Provided further, that the amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

Annual meeting.

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.

Notice of annual meeting.

11. Notice of the annual meeting shall be given by publication in two issues of *The Canada Gazette*, and 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 situate, and such notice shall intimate that participating policyholders may, in accordance with the provisions of this Act, vote for and elect six directors.

12. At all general meetings of the Company each shareholder present or represented by proxy, who has paid all calls due upon his shares in the capital stock of the Company, shall have one vote for each share held by him. Every proxy representing a shareholder must be himself a shareholder and 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, grant 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 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.

15. All persons, whether shareholders of the Company or not, who are actual holders of policies from the Company on their own lives for one thousand dollars or upwards, and are by the terms of their policies entitled to participate in profits, such persons being referred to in this Act as holders of participating policies shall be members of the Company and shall 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 the sum of not less than one thousand dollars shall be entitled to one vote for each one thousand dollars assured by his policy; but policyholders, as such, shall not be entitled to vote for the election of shareholders' directors. Every proxy representing a policyholder must be himself a participating policyholder and entitled to vote. Participating policy-holders.

2. A person holding a participating policy of one thousand dollars and upwards on his life, whether for the benefit of himself or of others, shall be deemed a member of the Company. To be members of Company.

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 any further premium, or desires to surrender the policy, the premiums paid shall not be forfeited; but he shall be entitled to receive a paid-up and commuted policy for such sum as the directors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy, such sum in either case to be ascertained upon principles to be adopted by by-law applicable generally to all such cases as may occur; Provided that if such paid-up and Paid up policies to be issued in certain cases. Proviso.

commuted policy or such cash payment is not demanded while such original policy is in force, or within twelve months after default has been made in payment of a premium thereon, the Company shall, without any demand therefor, either issue such paid-up and commuted policy, or pay to or place to the credit of the policyholder such cash surrender value.

Application of R.S., c. 79.

17. Part II of *The Companies Act*, except sections 125, 141, 165 and 168 thereof, shall apply to the Company in so far as the said Act is not inconsistent with any provisions of this Act or of *The Insurance Act:* Provided, however, that the Company may make loans to its shareholders or policyholders, not being directors, on the securities mentioned in *The Insurance Act*.

Proviso as to loans.

R.S., c. 34.

18. This Act and the Company, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*.

55.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS OF CANADA.

BILL 55.

An Act to incorporate the British Columbia Life Assurance Company.

First reading, February 11, 1909.

(PRIVATE BILL.)

MR. COWAN.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 55.

An Act to incorporate the British Columbia Life Assurance Company.

[*Reprinted as proposed to be amended in the Banking and Commerce Committee.*]

Preamble.

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Incorporation.

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Corporate name.

Provisional directors.

Powers.

2. The persons named in section 1 of this Act, together with such persons, not exceeding eight, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum; and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon; and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and shall withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company.

Capital stock.

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

First general meeting.

4. So soon as two hundred and fifty thousand dollars of the capital stock of the Company have been subscribed, and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders of the Company at some place to be named in the city of Vancouver, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent

Election of shareholders' directors.

of the amount of shares subscribed for by them, shall elect not more than nine directors, hereinafter called "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 in the capital stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company.

Head office.

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

Agencies.

2. The directors may from time to time establish local advisory boards or agencies, either within Canada or elsewhere, in such manner as the directors from time to time appoint.

Policyholders' 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 policyholders from among their number six directors who are not shareholders and who are hereinafter called "policyholders' directors."

Rights of participating policyholders.

2. Every person whose life is insured under a policy or policies of the Company for one thousand dollars or upwards, and who has paid all premiums then due thereon, whether such person is a shareholder of the Company or not, and who 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 not less than one thousand dollars, exclusive of bonus additions or profits, shall be entitled to one vote; but such policyholders shall not be entitled, as such, to vote for the election of shareholders' directors. Every proxy representing a participating policyholder must be himself a participating policyholder and entitled to vote, and any such participating policyholder who is not a shareholder shall be eligible for election as a policyholders' director.

Joint meetings.

3. The policyholders' directors shall meet with the shareholders' directors and shall have a vote upon all business matters.

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.

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-five thousand dollars of the capital stock have been paid in cash into the funds of the Com-

pany, 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 the amount of capital stock required to be subscribed under this Act. No subscription reckoned if less than ten per cent paid in cash.

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-five thousand dollars required to be paid under subsection 1 of this section. No payments 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.

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 situate, and such notice shall, after section 6 hereof becomes operative, 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 all general meetings of the Company each shareholder present or represented by proxy, who has paid all calls due upon his shares in the capital stock of the Company, shall have one vote for each share held by him. Every proxy representing a shareholder must be himself a shareholder and 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 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.

15. Whenever any holder of a policy, other than a term or natural-premium policy, has paid three or more annual premiums thereon and fails to pay any further premium, or desires to sur- Paid up policies to be issued in certain cases.

render 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 extended insurance under the policy for a period proportionate to such cash surrender value.

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.

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.

Cash surrender value to be applied to policy.

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.

Application of R.S., c. 79.

16. Part II of *The Companies Act*, except sections 125, 141, 165 and 168 thereof, shall apply to the Company in so far as the said Part is not inconsistent with any 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 its shareholders or policyholders, not being directors, on the securities mentioned in *The Insurance Act*.

Proviso as to loans.

R.S., c. 34.

17. This Act and the Company, 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.

55.

1st Session, 11th Parliament, 8-9 Edward VI

THE HOUSE OF COMMON
OF CANADA.

BILL 55.

An Act to incorporate the British Colu
Life Assurance Company.

[*Reprinted as proposed to be amended*
Banking and Commerce Committee

(PRIVATE BILL.)

MR. COW

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 56.

An Act respecting the Canada Life Assurance Company.

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

Preamble. 1849, c. 168; 1879, c. 71; 1893, c. 76; 1899, c. 99.

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:—

1899, c. 99 amended. 1879, c. 71, new s. 2.

1. Section 4 of chapter 99 of the statutes of 1899 is repealed, and the following is enacted as section 2 of chapter 71 of the statutes of 1879:—

Annual meeting.

"**2.** The annual general meeting of the stock holders and policy holders of the Company shall be held at the head office of the Company, which shall be in the city of Toronto or in such other place in Canada as is fixed by by-law passed by the shareholders at any annual general meeting, or at any special general meeting duly called for that purpose, on the first Thursday in February in each year, and notice thereof shall be given in the first two issues in the next preceding month of *The Canada Gazette*, and also in the first six consecutive issues in the next preceding month of a daily newspaper published in the city of Hamilton, and of one published in the city of Toronto, and of one published in the city of Montreal, and such notice shall contain the names of the retiring directors elected by policy holders, and of any persons proposed for election to the office of director by policy holders, and shall show which if any of them are also shareholders: Provided that the Company may from time to time change the date for holding its annual general meeting by by-law passed and approved of by at least two-thirds of the votes cast by the shareholders present or represented and by the votes of two-thirds of the policy holders entitled to vote for directors present or represented at an annual general meeting where special notice of the consideration thereat of such by-law has been given. Any such by-law shall make provision for notice of future annual general meetings being given in, as nearly as possible, the manner hereinbefore provided, and shall be subject to approval by the Minister of Finance."

1879, c. 71.

2. The expressions "all the profits realised from the entire business of the Company," "the profits realised in the business of the Company," and "such profits," where used in chapter 71

of the statutes of 1879, were and are intended to denote the profits realised in carrying on the Canada Life Assurance Company's life insurance business exclusive of the interest earned on the amount of paid-up capital and on other moneys from time to time at the credit of the shareholders arising from interest so earned or from the shareholders' proportion of profits.

Powers as to real estate in Toronto and Ottawa.

3. The said company is declared to have power to hold in the province of Ontario, in addition to the lands mentioned or referred to in section 2 of chapter 76 of the statutes of 1893, and with the powers in the said section mentioned, that part of lot number four at the north east corner of King and Bay streets in the city of Toronto, having a frontage on King street of fifty-two feet, and a depth on Bay street of one hundred and forty-six feet, adjoining the said company's head office building, and also such lands and premises in the city of Ottawa as are found desirable for the purpose of the said company's branch office in that city.

Re-division of shares.

4. The shares of the capital stock of the said company, which are at present one hundred pounds (Canadian currency) or four hundred dollars each, shall hereafter be divided into shares of the denomination of one hundred dollars each, and each shareholder shall thereupon become entitled to, and be deemed the holder of, four shares of one hundred dollars each in respect of each of the shares held by him; and the books and share registers of the said company shall be amended so as to conform to the provisions of this Act.

Old shares extinguished.

5. Upon the passing of this Act all the old shares of four hundred dollars each or one hundred pounds currency par value of the capital stock of the said Company shall be deemed to be extinguished by the substitution therefor of the said new shares of one hundred dollars each par value, as provided by this Act.

Application of Insurance Acts.

Conflicting provisions.

6. 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.

1st Session, 11th Parliament, 8-9 Edward VII.

56.

THE HOUSE OF COMMONS OF CANADA.

BILL 56.

An Act respecting the Canada Life Assurance Company.

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

(PRIVATE BILL.)

MR. CLARK, (South Essex.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 57.

An Act respecting the Vancouver, Fraser Valley and Southern Railway Company.

Preamble.

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

1906, c. 175.

Time for construction of railway extended.

1. The construction of the railway of the Vancouver, Fraser Valley and Southern Railway Company may be commenced, and fifteen per cent of the amount of the capital stock expended thereon, within two years after the passing of this Act, and the railway finished and put in operation within five years after the passing of this Act; and if the railway is not so commenced and such expenditure is not so made, or if the railway is not finished and put in operation within the said respective periods, the powers of construction granted to the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 57.

An Act respecting the Vancouver, Fraser Valley and Southern Railway Company.

First reading, February 11, 1909.

(PRIVATE BILL.)

MR. TAYLOR,
(New Westminster.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 58.

An Act respecting the Vancouver, Westminster and Yukon Railway Company.

Preamble. 1906, c. 176.

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:—

Time for construction of branch lines extended.

1. If the construction of the branch lines authorized by chapter 176 of the statutes of 1906 is not commmenced within three years, and the said lines finished and put in operation within five years, after the passing of this Act the powers of construction granted by the said Act shall cease and be null and void as respects so much of the said branch lines as then remains uncompleted.

S. 4 repealed.

2. Section 4 of chapter 176 of the statutes of 1906 is repealed.

Agreements with another company.

3. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Vancouver, Westminster and Yukon Railway Company may enter into agreements with the Burrard, Westminster Boundary Railway and Navigation Company for any of the purposes specified in the said section 361.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 58.

An Act respecting the Vancouver, Westminster and Yukon Railway Company.

First reading, February 11, 1909.

(PRIVATE BILL.)

MR. SMITH,
(Nanaimo.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 59.

An Act to incorporate the Victoria and Barkley Sound Railway Company.

[*Reprinted as amended and reported by the Railway Committee.*]

Preamble.

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

Incorporation.

1. William Kyle Houston, Henry Humphrey Jones, William Edward Laird, and Charles L. Betterton, all of the city of Victoria, in the province of British Columbia, and John M. Hawthorne, of the city of Seattle, in the state of Washington, one of the United States, together with such persons as become shareholders in the company, are incorporated under the name of "The Victoria and Barkley Sound Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be at the city of Victoria, in the province of British Columbia.

Annual meeting.

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

Directors.

7. The number of directors, of whom the majority shall be British subjects, shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

8. The Company may lay out, construct and operate a line of railway of the gauge of four feet eight and one half inches from some point at or near the city of Victoria, in the province of British Columbia, thence by way of Otter Point and San Juan

to a point on Barkley Sound near Sarita River, also a branch line from a point on the main line between Metchosin and Sooke to Beecher Bay.

Ferry on the Straits of Juan de Fuca.

9. The Company may, for the purposes of its undertaking, construct, acquire, maintain and operate a steam ferry between Beecher Bay, or some other point on Vancouver Island on the Straits of Juan de Fuca, on its line of railway to some point on the said straits within the United States.

Consent of municipalities.

10. The Company shall not construct or operate its line of railway along any highway, street or any public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed on with such municipality.

Issue of securities on railway.

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 on other property.

12. In addition to the securities authorized by the next preceding section, 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 and debentures and debenture stock, or other securities for the construction, acquisition, extension, or development of any of the properties, assets or works, other than the railway, which the Company is authorized to construct, acquire or operate; but such bonds, debentures, perpetual or terminal debenture stock or other securities shall not exceed in amount the value of such properties, assets and works.

Execution of mortgages,

2. For the purpose 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 therein.

R.S. c. 37 ss. 136 to 148.

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 or other securities or mortgages.

Preference stock.

13. The Company may, under the authority of a resolution passed by the ordinary shareholders at any annual meeting, or at a special general meeting duly called for that purpose, at which meeting shareholders representing at least three-fourths in value of the subscribed stock of the Company are present or represented by proxy, issue any portion of its capital stock, not exceeding fifty per cent thereof, as preference stock, and such preference stock shall have such preference and priority as

respects dividend and otherwise over ordinary stock as is declared by the resolution.

2. Holders of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act and of *The Railway Act*: Provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preference and rights given by such resolution. Rights of preference stockholders. Proviso.

14. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharves, docks, elevators, warehouses, offices and other structures, to be used to facilitate the carrying on of business in connection therewith. Special powers. Vessels. Buildings.

15. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built; and 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. Power. Charges for power.

16. 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 upon with such municipality. Consent of municipalities.

17. 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 for such messages; 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. Telegraphs and telephones.

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. Tolls.

R.S., c. 126.

3. Part II of *The Telegraphs Act* shall apply to the telegraphic business of the Company.

Use of bridge for foot passengers and carriages.

Tolls.

18. The Company may, subject to the provisions of *The Railway Act* and subject also to the order of the Board of Railway Commissioners for Canada, construct or arrange any of its railway bridges for the use of foot passengers and carriages, and in such cases the tolls to be charged for the passage of foot passengers and carriages shall, before being imposed, be first submitted to and approved of, and may from time to time be revised, by the said Board, but the Company may, at any time, reduce the tolls, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge.

59.

1st Session, 11th Parliament, 8-9 Edward V

THE HOUSE OF COMMON
OF CANADA.

BILL 59.

An Act to incorporate the Victor
Barkley Sound Railway Compa

[*Reprinted as amended and reported*
Railway Committee.]

(PRIVATE BILL.)

MR. SMITH
(Nanai

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent M
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 60.

An Act to amend the Criminal Code respecting injuries to persons due to Motor Vehicles.

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

1. Section 285 of *The Criminal Code* is amended by inserting the words "motor vehicle, automobile, or other" before the word "vehicle" in the third line. R. S., c. 146, s. 285 amended.

2. The said Code is amended by inserting the following section immediately after section 285:— New section.

"**285A.** The owner and driver and person in charge, or owner or driver or person in charge, of any motor vehicle commonly called and known as an automobile, which causes a horse to run away or shy or bolt and thereby occasion bodily injury to any person, is guilty of an indictable offence and liable to two years' imprisonment." Injuries to persons due to horse frightened by motor vehicle.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 60.

An Act to amend the Criminal Code respecting injuries to persons due to Motor Vehicles.

First reading, February 12, 1909.

Mr. Lewis.

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 61.

An Act respecting the Burrard, Westminster Boundary Railway and Navigation Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1907, c. 68.

1. Section 8 of chapter 68 of the statutes of 1907 is amended by adding thereto the following paragraph:— S. 8 amended.

"(*f*) From a point on the main line authorized by paragraph (*c*) of this section, thence in an easterly and northerly direction by the most feasible route through Yale, Lillooet and Cariboo districts to the most convenient point where a junction can be made with the branch line of the Vancouver, Westminster and Yukon Railway which runs from the main line of the said railway easterly to Edmonton." Line of railway described.

2. The Burrard, Westminster Boundary Railway and Navigation Company may commence the construction of the railways authorized by chapter 68 of the statutes of 1907 and by this Act, and expend fifteen per cent of its capital stock thereon, within two years after the passing of this Act, and may finish the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced, and such expenditure is not so made, or if the said railways are not finished and put in operation within the said respective periods, the powers granted to the said company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted. Time for construction of railways extended.

3. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the said company may enter into agreements with the Vancouver, Westminster and Yukon Railway Company for any of the purposes specified in the said section 361. Agreements with another company.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 61.

An Act respecting the Burrard, Westminster Boundary Railway and Navigation Company.

First reading, February 16, 1909.

(PRIVATE BILL.)

MR. SMITH,
(Nanaimo.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 62.

An Act to incorporate the Prince Albert and Hudson Bay Railway Company.

[*Reprinted as amended and reported by the Railway Committee.*]

Preamble.

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

Incorporation.

1. Henry Charles Hamelin, George Russell, Peter David Tyreman and Francis William Halliday, all of the city of Prince Albert, in the province of Saskatchewan, and Frederick Engen, of the city of Saskatoon, in the said province, together with such persons as become shareholders in the company, are incorporated under the name of "The Prince Albert and Hudson Bay Railway Company," hereinafter called "the Company."

Corporate name.

Capital stock.

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

Provisional directors.

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

Head office.

4. The head office of the Company shall be in the city of Prince Albert, in the province of Saskatchewan.

Annual meeting.

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

Directors.

6. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the city of Prince Albert, thence crossing the Saskatchewan River, and thence in a north-easterly direction by the most feasible route to a point at or near the mouth of the Nelson River, on Hudson's Bay, or to York Factory.

Vessels.

8. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels to convey cargoes and travellers on all navigable waters touched or

Docks. Warehouses.

reached by the said railway, and construct, acquire and maintain docks, warehouses, wharfs, blocks, slips and piers in all places on its railway or in connection with it.

Consent of municipalities.

9. The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Electric or other power.

10. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric or other power or energy which may be transmitted and delivered to any place in the district through which the railway is authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may 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.

Rates and charges.

Consent of municipalities.

11. 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 upon with such municipality.

Telegraphs and telephones.

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.

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.

R.S., c. 126.

3. Part II of *The Telegraphs Act* shall apply to the telegraphic business of the Company.

Buildings.

13. The Company may construct, acquire or rent buildings along its railway, and build, own and operate or otherwise

utilize hotels, restaurants and all businesses in connection with them necessary for the comfort and accommodation of travellers.

Use of bridge by foot passengers and carriages.

14. The Company may, subject to the provisions of *The Railway Act* and subject also to the order of the Board of Railway Commissioners for Canada, construct or arrange any of its railway bridges for the use of foot passengers and carriages, and in such cases the tolls to be charged for the passage of foot passengers and carriages shall, before being imposed, be first submitted to and approved of, and may from time to time be revised, by the said Board, but the Company may, at any time, reduce the tolls, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge.

Tolls.

Issue of securities.

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

Agreements with other companies.

16. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with the Canadian Northern Railway Company and the Canadian Pacific Railway Company, or either of them, for any of the purposes specified in the said section 361.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 62.

An Act to incorporate the Prince Albert and Hudson Bay Railway Company.

[*Reprinted as amended and reported by the Railway Committee.*]

(PRIVATE BILL.)

MR. NEELY.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 63.

An Act to incorporate the Royal Canadian Accident Insurance Company.

Preamble.

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

Incorporation.

Corporate name.

1. S. Sheldon Stephens, Laurence deK. Stephens, Warwick F. Chipman, Percival Molson, William P. O'Brien, together with such persons as become shareholders in the Company, are incorporated under the name of "The Royal Canadian Accident Insurance Company," hereinafter called "the Company."

Provisional directors.

Quorum.

Powers.

Organization.

2. The persons named in section 1 of this Act, together with such persons, not exceeding six, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock-books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the Company, and may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company.

Head office.

Local boards.

3. 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 within Canada or elsewhere, at such times and in such manner as they deem expedient.

Capital stock.

4. The capital stock of the Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each.

First general meeting.

Election of directors.

5. So soon as one 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 said city of Montreal, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent of the amount

of shares subscribed for by them, shall elect a board of not less than five nor more than twenty directors, the majority of whom shall be a quorum.

Qualification 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 and has paid all calls due thereon and all liabilities incurred by him to the Company.

General and special meetings.

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 commencement of business, and at such meeting 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 of the directors, or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

Notice of meeting.

2. 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 by registered letter to the addresses of the shareholders respectively given in the books of the Company.

Calls on stock.

7. 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 thirty per cent and no subsequent instalment shall exceed ten per cent, and not less than thirty days notice shall be given of any call: Provided that the whole amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

Proviso.

When business may be commenced.

8. The Company shall not commence the business of accident, sickness and property damage insurance as provided for by this Act until one hundred and seventy-five thousand dollars of the capital stock have been subscribed and forty-five thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided that the Company may commence the business of accident or accident and sickness insurance when one hundred and fifty thousand dollars of the capital stock have been subscribed, and thirty-five thousand dollars have been paid in cash into the funds of the Company: Provided further that the Company may commence the business of property damage insurance when an additional sum of twenty-five thousand dollars of the capital stock has been subscribed and an additional ten thousand dollars has been paid into the funds of the Company.

Accident and sickness insurance.

Property damage insurance.

Amount of cash payments to ascertain capital.

2. No subscription to the capital stock upon which less than ten per cent has been paid in cash shall be taken into account in ascertaining the total amount of capital stock required to be subscribed under subsection 1 of this section.

Cash payments.

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 in ascertaining the several sums required to be

paid prior to the commencement of the several classes of business provided for in this section.

Accident and sickness insurance.

9. The Company may make and effect contracts of insurance with any person 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 the case of death from any accident or 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. And in like manner may also make and effect contracts of indemnity with any person against claims and demands of the workmen and employees, of such person, or of the legal representatives of such workmen or 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, and may generally carry on the business of accident and sickness insurance as defined by *The Insurance Act*. R.S., c. 34.

Property damage insurance.

10. The Company may also make contracts insuring the owner of personal property, other than plate glass, against accidental damage or loss, total or partial, to such property, in situ or transit, by reason of any cause whatsoever, except loss directly or indirectly by fire or by perils of navigation.

Re-insurance.

11. The Company may also cause itself to be re-insured against any risk undertaken in the course of its business.

Power to hold real property limited.

12. The Company may acquire and hold any real property required in part or wholly for its use and accommodation and may dispose thereof when necessary, but the annual value of such property held in any province of Canada shall not exceed three thousand dollars, except in the province of Quebec where it shall not exceed five thousand dollars.

R.S., c. 34.

13. 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.

R.S., c. 79

14. Notwithstanding anything contained therein, *The Companies Act*, Part II, except sections 125, 134, 141, 158 and 165 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 this Act.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 63.

An Act to incorporate the Royal Canadian Accident Insurance Company.

First reading, February 16, 1909.

(PRIVATE BILL.)

MR. AMES.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 64.

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:—

1908, c. 20, s. 42 amended.

Proceeds of sale of school lands.

1. Section 42 of *The Dominion Lands Act*, chapter 20 of the statutes of 1908, is amended by striking out the words "schools organized and carried on in accordance with the law of such province," in the sixth and seventh lines thereof, and substituting therefor the words "public schools therein."

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 64.

An Act to amend the Dominion Lands Act.

First reading, February 18, 1909.

MR. SPROULE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 65.

An Act to amend the Railway Act.

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

1. Section 150 of *The Railway Act* is repealed and the following is substituted therefor:— R. S., c. 37, new s. 150.

"**150.** If the railway does not exceed two hundred and fifty miles in length, the company shall construct and put in operation within two years after the passing of the Act authorizing the construction of the railway at least one-tenth of the mileage of the railway, and not less than an additional tenth in each of the third and fourth years after the passing of that Act; and if such mileage is not so constructed and put in operation, or if the railway is not completed and put in operation within five years after the passing of that Act, then the powers granted by that Act or by this Act shall be null and void as respects so much of the railway as then remains uncompleted. Time for construction if railway not over 250 miles in length.

"2. If the railway exceeds two hundred and fifty miles in length, the company shall construct and put in operation within two years after the passing of the Act authorizing the construction of the railway at least one-twentieth of the mileage of the railway, and not less than an additional twentieth in each of the third and fourth years after the passing of that Act; and if such mileage is not so constructed and put in operation, or if the railway is not completed and put in operation within five years after the passing of that Act, then the powers granted by that Act or by this Act shall be null and void as respects so much of the railway as then remains uncompleted." If over 250 miles in length.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 65.

An Act to amend the Railway Act.

First reading, February 18, 1909.

MR. TURRIFF.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 66.

An Act respecting the Abitibi and Hudson Bay Railway Company.

Preamble.

1907, c. 55.

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:—

Time for construction of railway extended.

1. The Abitibi and Hudson Bay Railway Company may commence the construction of its railway within two years after 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 the said railway is not so commenced, or if the said railway is not so completed and put in operation, within the said periods respectively, the powers of construction conferred upon the said company shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 66.

An Act respecting the Abitibi and Hudson Bay Railway Company.

First reading, February 1,9 1909.

(PRIVATE BILL.)

MR. GORDON,
(Nipissing.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 67

An Act respecting the Alsek and Yukon Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1907, c. 58.

1. The Alsek and Yukon Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within four years after the passing of this Act, and may complete its railway and put it in operation within seven years after the passing of this Act; and, if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation, within the said periods respectively, 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. Time for construction of railway extended.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 67.

An Act respecting the Alsek and Yukon Railway Company.

First reading, February 19, 1909.

(PRIVATE BILL.)

MR. MCINTYRE,
(Strathcona.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 68.

An Act respecting the Athabasca Railway Company.

Preamble.

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

1905, c. 58; 1907, c. 61.

Agreements with other companies.

1. The Athabasca Railway Company may, subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, enter into agreements with any other companies for any of the purposes specified in the said section 361.

Time for construction of railway extended.

2. The said 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 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 the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods respectively, 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.

1907, c. 61, s. 3 repealed.

3. Section 3 of chapter 61 of the statutes of 1907 is repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 68.

An Act respecting the Athabasca Railway Company.

First reading, February 19, 1909.

(PRIVATE BILL.)

MR. MCINTYRE,
(Strathcona.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 69.

An Act to incorporate the Fort Erie and Buffalo Bridge Company.

Preamble.

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

Incorporation.

1. Donald McGillivray, of the village of Port Colborne, William E. Phin, of the town of Welland, Joseph Battle of the town of Thorold, all in the county of Welland, in the province of Ontario; and Sylvio Casparis, of the city of Columbus, in the state of Ohio, David Hyman, of the city of Buffalo, in the state of New York, and William D. Hartupee, of the city of Pittsburg, in the state of Pennsylvania, in the United States, together with such persons as become shareholders in the company, are incorporated under the name of "The Fort Erie and Buffalo Bridge Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act are constituted provisional directors of the Company, and they shall have all the powers which are conferred upon directors elected by the shareholders, and four provisional directors shall form a quorum.

Powers.

2. The provisional directors shall deposit in a chartered bank in Canada all money received by them on account of the Company, and shall withdraw such money for the purposes of the Company only.

Capital stock.

3. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary.

Head office.

4. The head office of the Company shall be in the village of Fort Erie, in the county of Welland.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first Tuesday in February in each year, or on such other day as it is determined by by-law.

Directors.

6. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Construction of bridge authorized.

7. The Company may construct, maintain and operate a bridge across the Niagara River for the passage of pedestrians, vehicles, carriages, electric cars or street cars and for any other like purpose, with all necessary approaches, from some point in Canada within the corporate limits of the village of Fort Erie to a point within the limits of the city of Buffalo, in the state of New York, so as not to interfere with navigation, and may purchase, acquire and hold such real estate, including lands for sidings and other equipment required for the convenient working of traffic to, from and over the said bridge as the Company thinks necessary for any of the said purposes; but the Company shall not commence the actual construction of the said bridge, nor exercise any of the powers hereunder, until an Act of the Congress of the United States or other competent authority has been passed authorizing or approving the bridging of the said river, but the Company may, in the meantime, acquire the lands, submit their plans to the Governor in Council and do all other things authorized by this Act.

Real property which may be held.

Approval of United States.

Approval of designs, etc., by Governor in Council.

8. The said bridge shall be constructed and located under, and be subject to, such regulations for the security of navigation of the said river as the Governor in Council prescribes, and to such end the Company shall submit to the Governor in Council, for examination and approval, a design and drawing of the bridge, and a map of the location, giving the soundings, accurately showing the bed of the stream and the location of other bridges, and shall furnish such other information as is required for a full and satisfactory understanding of the subject: and until the said plans and location are approved by the Governor in Council the bridge shall not be built or commenced, and if any change is made in the plans of the said bridge during its construction, such change shall be subject to the approval of the Governor in Council, and shall not be made or commenced until it is approved.

Union with another company.

9. The Company may, with the approval of its shareholders, unite—

With a United States company.

(*a*) with any other company incorporated for similar purposes in and under the laws of the said state of New York or the United States in constructing, maintaining and using the said bridge and approaches, and may enter into any agreement with such company respecting the construction, maintenance, management and use of the said bridge and its approaches and appurtenances;

With a Canadian company.

(*b*) with any other company incorporated for similar purposes under the laws of Canada or of the province of Ontario, or with any body corporate, in constructing, maintaining, managing and using the said bridge and approaches, and may enter into any agreement with such corporation respecting the construction, maintenance, management and use thereof.

Tolls.

10. The Company may charge tolls for the use of the said bridge, approaches and facilities, and may regulate the tolls to be charged: Provided that such tolls shall be equal to all persons using the said bridge, approaches and facilities.

Proviso.

11. The Company may issue bonds, debentures or other securities in aid of the constructions herein mentioned, to an amount not exceeding one million dollars. Issue of securities for bridge.

2. For the purpose of securing the issue of such bonds the Company shall execute a mortgage or mortgages, not inconsistent with law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution passed at a special general meeting of the shareholders called for the purpose. Execution of mortgages.

3. The Company may charge and bind the tolls and revenues of the property to which any such mortgage relates, in the manner and to the extent therein specified; and each such mortgage shall create absolutely a first lien and encumbrance on the property therein described, as well as on the tolls, revenues and subsidy therein hypothecated, the whole being for the benefit of the holders of the bonds in respect of which such mortgage is made. Mortgage first lien on property, tolls, etc.

12. The directors may issue as paid-up stock shares of the capital stock of the Company in payment for any businesses, franchises, undertakings, rights, powers, privileges, letters patent, inventions, real estate, stocks, assets and other properties which the Company may lawfully acquire, and may, for such considerations, allot and hand over such shares to any person or corporation, or its shareholders or directors; and any such issue or allotment of stock shall be binding upon the Company and such stock shall not be assessable for calls, nor shall the holder thereof be liable in any way thereon; or the Company may pay therefor wholly or partly in paid-up shares or wholly or partly in debentures, as may be agreed upon. Issue of paid up stock.

13. The Company may receive by grant from any government, municipality or person, as aid in the construction, equipment and maintenance of the said bridge and works connected therewith, any real or personal estate or property, or any sums of money, debentures or subsidies, either as gifts by way of bonus or guarantee, or in payment or as subventions for services, and may dispose thereof, and may alienate such of the said property as is not required for the purposes of the Company in carrying out the provisions of this Act. Aid to Company.

14. The works hereby authorized shall be commenced within two years after the Executive of the United States, or other competent authority, has consented to and approved of such bridging, and shall be completed within five years thereafter, otherwise the powers granted by this Act shall cease as respects so much of the undertaking as then remains uncompleted; provided, however, that if such consent is not obtained within five years after the passing of this Act the powers granted for the construction of the said works shall cease. Time for construction of works limited.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 69.

An Act to incorporate the Fort Erie and Buffalo Bridge Company.

First reading, February 19, 1909.

(PRIVATE BILL.)

MR. GERMAN.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 70.

An Act respecting the St. Mary's and Western Ontario Railway Company.

Preamble. 1905, c. 155; 1907, c. 130.

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:—

Lines of railway authorized.

1. The St. Mary's and Western Ontario Railway Company may construct the following lines of railway:—

(*a*) From the city of Woodstock, in the county of Oxford, to the city of Brantford, in the county of Brant.

(*b*) From a point at or near the town of St. Mary's, to a point at or near the city of Stratford, in the county of Perth.

(*c*) From a point on its main line between the town of St. Mary's and the village of Exeter, in a northerly and westerly direction, through the counties of Perth and Huron, to a point or points on the Guelph and Goderich Railway, between the village of Millverton and the town of Goderich.

(*d*) From a point on its main line, at or near the village of Exeter, to a point on Lake Huron, at or near the harbour of Grand Bend.

Existing powers to apply.

2. All the powers of the said company in relation to the railway which it now has authority to construct shall extend and apply to the railways authorized by section 1 of this Act.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 70.

An Act respecting the St. Mary's and Western Ontario Railway Company.

First reading, February 19, 1909.

(PRIVATE BILL.)

MR. MCINTYRE,
(S. Perth.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 71.

An Act respecting a patent of Thomas L. Smith.

Preamble.

WHEREAS Thomas L. Smith, of the city of Milwaukee, in the state of Wisconsin, one of the United States, has by his petition represented that he is the owner of a patent number seventy-seven thousand and fifty-six, dated the twelfth day of August, one thousand nine hundred and two, issued under the seal of the Patent Office, for new and useful improvements in mixing machines; and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commissioner of Patents may extend duration of patent.

1. Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may receive from the holder of the said patent an application for a certificate of payment of further fees and the usual fees for one or more terms for the said patent, and may grant and issue to such holder certificates of payment of further fees, provided by *The Patent Act*, granting extensions of the term of duration of the said patent 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 the issue of the said patent.

R.S., c. 61.

Certain rights saved.

2. If any person, other than any licensee, has, in the period between the expiry of six years from the date of the said patent and the second day of January, one thousand nine hundred and nine, commenced to manufacture, use and sell in Canada the invention covered by the said patent, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed: Provided that the exemption shall not extend to any person who has commenced the construction or manufacture of the said invention before the expiry of the patent, without the consent of the holder of the said patent.

Proviso.

71.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 71.

An Act respecting a patent of Thomas L. Smith.

First reading, February 19, 1909.

(PRIVATE BILL.)

MR. BICKERDIKE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 72.

An Act to amend the Railway Act.

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

R.S., c. 37, s. 307 amended.

Hours of duty of certain employees.

1. Section 307 of *The Railway Act* is amended by adding thereto the following subsection:—

"2. No operator, train despatcher, or other employee who, by the use of the telegraph, telephone, or other electrical device, despatches, reports, transmits, receives, or delivers orders or messages pertaining to or affecting train movements shall be required or permitted to be on duty for a longer period than eight hours in any twenty-four hour period, except in case of emergency, in which case any such employee may remain on duty for a period not exceeding twelve hours in a twenty-four hour period, and such excess duty shall not be permitted on more than two days in any seven. The eight hours herein mentioned shall constitute a day's work, and shall not be in broken periods, but shall be one continuous period, with the exception of one hour which may be allowed for meals."

72.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 72.

An Act to amend the Railway Act.

First reading, February 19, 1909.

MR. SMITH,
(Nanaimo).

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 73.

An Act to provide for the Government inspection of Vessels.

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

Application of Act.

1. This Act shall apply only barges and other vessels navigating the inland lakes and the coasting waters of Canada.

Government inspector to make yearly inspection.

2. The owner of any vessel of fifty gross tons or over and not now liable to inspection shall, at least once in every year, apply for the inspection of the hull and equipment of such vessel by the Government inspector of hulls and equipments, or such other person as may be appointed for that purpose; and it is hereby declared to be the duty of the said inspector or other person to inspect such vessel. If the said inspector or other person is satisfied that the hull and equipment of such vessel are suitable for the service in which the said vessel is to be employed, has suitable accommodation for the crew, is seaworthy and is in a condition to warrant the belief that it may be used in navigation with safety to life, and has on board adequate towing gear and a life boat or raft, he shall issue a certificate of inspection in a form to be prescribed by the Minister of Marine and Fisheries.

Certificate of inspection.

No registration or license to issue without certificate.

Penalty for navigating without certificate.

3. No register, enrolment, license, clearance, or other paper shall be issued by any collector or other officer of customs to any vessel described in section 1 hereof unless the said vessel has then in force a certificate of inspection, as provided in the said section. If any such vessel is navigated without such certificate of inspection, the owner shall be liable to a penalty not exceeding five hundred dollars for each offence.

Definition of "hull" and "equipment."

R.S., c. 113, s. 565.

4. The expression "hull and equipment" shall have the meaning given thereto by paragraph (*e*) of section 565 of *The Canada Shipping Act*, chapter 113 of the Revised Statutes, 1906.

Rules and regulations.

S. 578.

5. The Governor in Council may make rules and regulations respecting the hulls and equipment of the vessels in this Act referred to with respect to the subjects, matters and things mentioned in section 578 of *The Canada Shipping Act*.

Steam yachts to carry boats, life preservers, etc., in conspicuous place.

6. Every steam yacht over five tons gross tonnage shall carry, for use in case of accident, a suitable and sufficient boat or boats, or, when boats cannot be utilized, a raft, and also one axe, one saw and one round life-buoy, and one life-preserver for each person on such steam yacht; and the said axe, saw, life-buoy and life-preservers shall be hung in a conspicuous and convenient place, and easy to detach when required.

Fishing steamers to carry boats, life preservers, etc., in conspicuous place.

7. Every steamboat over five tons gross tonnage used exclusively for fishing purposes shall carry, for use in case of accident, a suitable and sufficient boat or boats, or, when boats cannot be utilized, a raft, and also one axe, one saw and one round life-buoy, and one life-preserver for each person on such steamboat; and the said axe, saw, life-buoy and life-preservers shall be hung in a conspicuous and convenient place, and easy to detach when required.

Steamers towing to carry rocket gun.

8. Every steamship or steam-tug, while occupied in towing, shall carry a rocket gun fitted to carry or throw a light or heaving line a distance of at least two hundred feet, and shall have some person on board of such steamship or steam-tug skilled in the proper handling of such rocket gun.

1st Session, 11th Parliament, 8-9 Edward VI

THE HOUSE OF COMMON
OF CANADA.

BILL 73.

An Act to provide for the Gover
inspection of Vessels.

First reading, February 19, 1909

MR. LEW

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 74.

An Act respecting Wireless Telegraphy on Ships.

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

Certain vessels to be equipped with wireless telegraph apparatus.

1. Every sea-going and coasting passenger ship over four hundred tons gross tonnage, registered in Canada, and every sea-going and coasting freight ship over twelve hundred tons gross tonnage, registered in Canada, shall be equipped with an apparatus for wireless telegraphy.

Penalty for non-compliance,

2. Every owner of any such ship who neglects to equip it with the said apparatus shall be guilty of an offence, punishable on summary conviction or on indictment, and be liable to a penalty of not less than one hundred dollars and not exceeding one thousand dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 74.

An Act respecting Wireless Telegraphy on Ships.

First reading, February 22, 1909.

MR. LEWIS.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 75.

An Act respecting the Canadian Northern Ontario Railway Company.

Preamble. 1907, c. 72.

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:—

Short title.

1. This Act may be cited as *The Canadian Northern Ontario Railway Act, 1909.*

Lines of railway authorized.

2. The Canadian Northern Ontario Railway Company, hereinafter called "the Company," may construct the following lines of railway:—

(*a*) From a point on or near Nepigon Bay northerly to the junction with the National Transcontinental Railway, with two branches to reach water connections at the northerly and southerly ends of Lake Nepigon.

(*b*) From a point on the Company's authorized line between Montreal and French River in or near the township of Chisholm, thence northerly and westerly to a point on its Hutton Branch, in or near the township of Capreol.

(*c*) From a point on the Company's authorized line between Sudbury Junction and Port Arthur, near the source of the Vermilion River, northerly and easterly to a point on the National Transcontinental Railway, near its crossing of the Abitibi River.

(*d*) From a point on the line specified in paragraph (*c*) between its starting point and the Great Northern Bend of the Montreal River, thence in a generally southerly and easterly direction to a point at or near the south end of Lake Temiscamingue.

Time for construction limited.

3. Unless the Company commences within two years and completes and puts in operation within five years after the passing of this Act the lines of railway which the Company is hereby authorized to construct, the powers granted for construction shall cease with respect to so much of the said lines as then remains uncompleted.

Issue of securities.

4. The limit to the amount of securities which the Company may issue and secure under sections 136 to 146, both inclusive, of *The Railway Act*, with respect to the lines of railway authorized by section 2 of this Act, shall be thirty thousand dollars per mile, and such securities may be issued only in proportion to the

length of such lines of railway constructed or under contract to be constructed.

Time extended for construction of railways heretofore authorized.

5. Unless the Company commences within two years and completes and puts in operation within five years after the passing of this Act the following lines of railway, the powers granted for the construction thereof shall cease and determine with respect to so much of the said lines as then remains uncompleted:—

(*a*) The line of railway authorized by section 2 of chapter 65 of the statutes of 1902, as amended by section 7 of chapter 72 of the statutes of 1907, namely, from a point on its authorized main line at or near French River to a point on Batchewana Bay, Lake Superior.

(*b*) The line of railway authorized by section 3 of chapter 110 of the statutes of 1905, as amended by section 7 of chapter 72 of the statutes of 1907, namely, from a point on the Company's line at or near Toronto, thence easterly to Ottawa.

(*c*) The lines of railway authorized by section 2 of chapter 72 of the statutes of 1907, namely:—

(i) From a point on its authorized line near Washago to a point on Lake Huron at or near Kincardine;

(ii) From a point on its authorized line at or near Arnprior, southerly to a point on the St. Lawrence River at or near the town of Gananoque;

(iii) From a point on its authorized line at or near Pembroke, southwesterly to a point on Lake Ontario at or near the town of Cobourg or the town of Port Hope;

(iv) From a point on its authorized line in the township of Pickering, northwesterly to a point on the Georgian Bay at or near Owen Sound;

(v) From a point on its authorized line at or within ten miles east of Toronto, westerly passing near or through Toronto, Hamilton and London to a point on the Detroit River at or near Windsor, with a branch from London to St. Thomas and also from London to a point on the St. Clair River at or near Sarnia, and a branch or loop in the townships of York and Scarborough, passing north of Toronto;

(vi) From a point on the Niagara River at or near the international bridge northwesterly, passing through or near Hamilton, to a point on Lake Huron, at or near Goderich;

(vii) From a point on Lake Erie, between Dunnville and Port Dover, northerly passing through Brantford and Berlin, to a point at or near Owen Sound or Meaford, on the Georgian Bay;

(viii) From a point on its authorized line at or near Washago, to a point on the Georgian Bay, at or near Midland;

(ix) From a point on its authorized line at or near Hawkesbury, westerly to a point on its authorized line in the county of Leeds or Lanark;

(x) From a point on its authorized line at or near Parry Sound, northeasterly to a point at or near the town of North Bay.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 75.

An Act respecting the Canadian Northern Ontario Railway Company.

First reading, February 23, 1909.

(PRIVATE BILL.)

MR. PARDEE.

OTTAWA
Printed by C. H. PARMELEE
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 76.

An Act to incorporate the Imperial Fire Insurance Company.

[*Reprinted as proposed to be amended in the Banking and Commerce Committee.*]

Preamble.

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

Incorporation.

1. Edward D. Martin, William T. Alexander, Edwin S. Popham, James Stuart, Frank H. Alexander, and Edmund Landor Taylor, all of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the company, are incorporated under the name of "The Imperial Fire Insurance Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company, the majority of whom shall be a quorum, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, 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 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.

Powers.

Capital stock.

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

Payment of shares.

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 at 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.

First general meeting.

5. So soon as two hundred thousand dollars of the capital stock of the Company have been subscribed, and twenty-five per cent of that amount paid in to 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 Winnipeg, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than seven nor more than twenty-five directors, of which 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 stock of the Company, and has paid all calls due thereon, and all liabilities incurred by him to the Company.

Annual meeting.

6. A general meeting of the Company shall be held at the head office 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.

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.

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 Company.

Business of Company.

7. The Company may make and effect contracts of insurance against loss or damage by fire or lightning, in or to any house, dwelling, store or other building whatsoever, and to any goods, chattels, bridges, railway plant or personal estate whatsoever, for such time and for such premiums or considerations and under such modifications and restrictions and upon such conditions as are agreed upon between the Company and the insured; and the Company may generally carry on the business of fire insurance in all its branches, including the

Re-insurance.

right to cause itself to be re-insured against any risk it may have undertaken, and to re-insure any other person against risks that such person may have undertaken.

Investment in foreign securities.

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

When business may be commenced.

9. The Company shall not commence the business of 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, and thereafter in each succeeding year, for five years, a further sum of fifteen thousand dollars shall be paid in cash upon the capital stock of the Company.

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 for under this Act. No subscription reckoned if less than ten per cent paid in cash.

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 one hundred thousand 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. This Act, and the Company, 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 Acts.

11. Part II of *The Companies Act*, except sections 125, 134, 135, 141, 158, 159 and 165 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 this Act, or of any general Act relating to insurance passed during the present session of Parliament. R.S., c. 79.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 76.

An Act to incorporate the Imperial Fire Insurance Company.

[*Reprinted as proposed to be amended in the Banking and Commerce Committee.*]

(PRIVATE BILL.)

MR. HAGGART
(Winnipeg).

OTTAWA
Printed by C. H. PARMELEE
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 77.

An Act respecting a patent of the Submarine Company.

Preamble.

WHEREAS the Submarine Company, a company incorporated under the laws of the state of New Jersey, one of the United States, has by its petition represented that it is the owner of patent number sixty-nine thousand two hundred and seventy-nine, dated the twelfth day of November, one thousand nine hundred, for an improvement in subaqueous rock breakers, issued under the seal of the Patent Office; and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commissioner of Patents may extend duration of patents.

1. Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may receive from the holder of the said patent an application for a certificate of payment of further fees and the usual fees for one or more terms for the said patent, and may grant and issue to such holder certificates of payment of further fees, provided by *The Patent Act*, granting extensions of the term of duration of the said patent 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.

R.S., c. 61.

Certain rights saved.

2. If any person, other than any licensee, has, in the period between the expiry of six years from the date of the said patent and the sixteenth day of January, one thousand nine hundred and nine, commenced to manufacture, use, and sell in Canada the invention covered by the said patent, such person may continue to manufacture, use, and sell such invention in as full and ample a manner as if this Act had not been passed: Provided that the exemption shall not extend to any person who has commenced the construction or manufacture of the said invention before the expiry of the patent, without the consent of the holder of the said patent.

Proviso.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 77.

An Act respecting a patent of the Submarine Company.

First reading, February 23, 1909.

(PRIVATE BILL.)

MR. PROULX.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 78.

An Act to incorporate the Superior and Western Ontario Railway Company.

Preamble.

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

Incorporation.

1. James Forest Rochester, Arthur Milton Knox, John Symes Hollinsworth, John Barrett Prendergast and Frederick Henry Honeywell, all of the city of Ottawa, in the county of Carleton, together with such persons as become shareholders in the company, are incorporated under the name of "The Superior and Western Ontario Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in the city of Ottawa, in the county of Carleton.

Annual meeting.

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

Directors.

7. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point on the Lake Superior branch of the Grand Trunk Pacific Railway, about one hundred and fifty-four miles north-west from Fort William to a point on the National Transcontinental Railway, north of Sturgeon Lake.

Special powers. Vessels.

9. The Company may, for the purposes of its undertaking,—

(*a*) construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and

Buildings.

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;

Water and steam power.

(*b*) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating or motor purposes, and dispose of surplus power generated by the Company's works and not required for the undertaking of the Company; and, for the purpose of such acquisition, utilization and disposal, construct, operate and maintain lines for the conveyance of light, heat, power and electricity;

Electric and other power.

(*c*) acquire electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built; and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof.

Telegraphs and telephones.

10. 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 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, or may lease its own lines to, any such companies.

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.

R.S., c. 126.

3. Part II of *The Telegraphs Act* shall apply to the telegraphic business of the Company.

Issue of securities.

11. 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.

12. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with the Canadian Pacific Railway Company, the Grand Trunk Pacific Railway Company and the Canadian Northern Railway Company, or with any of the said companies, for any of the purposes specified in the said section 361.

1st Session, 11th Parliament, 8-9 Edward V

78.

THE HOUSE OF COMMON
OF CANADA.

BILL 78.

An Act to incorporate the Superio
Western Ontario Railway Compa

First reading, February 23, 190

(PRIVATE BILL.)

MR. CONN

OTTAWA
Printed by C. H. PARMELEE
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 79.

An Act respecting the Canadian Pacific Railway Company.

Preamble.

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

Time for construction of railways extended.

1902, c. 52.

1907, c. 74, s. 3.

1. The Canadian Pacific Railway Company, hereinafter called "the Company," may, within two years after the passing of this Act, commence the construction of the railway which it was authorized by chapter 52 of the statutes of 1902 to construct from a point at or near Piles Junction, thence to Shawinigan Falls and thence to Grand' Mère, and the railways which it was authorized to construct by paragraphs (*a*), (*b*), (*c*), (*d*), (*f*), (*g*) and (*i*) of section 3 of chapter 74 of the statutes of 1907, and may complete the said railways and put them in operation within five years after the passing of this Act, and if the said railways are not commenced, or are not completed and put in operation, within the said periods respectively, the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

Line of railway authorized.

2. The Company may lay out, construct and operate a railway from a point on the revision of the Crow's Nest Pass branch, in township nine, range twenty-two, west of the fourth meridian, in a northerly and north-westerly direction to a point of junction with the MacLeod branch of the Calgary and Edmonton Railway, at or near Aldersyde, in the province of Alberta, a distance of about eighty-five miles.

Time for construction limited.

3. If the construction of the railway hereby authorized is not commenced within two years after the passing of this Act, or if the railway hereby authorized is not completed and put in operation within five years after the passing of this Act, then the powers conferred upon the Company by this Act shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Bond issue.

4. Subject to the provisions of sections 136 (excepting subsection 1 thereof) to section 146, both inclusive, of *The Railway Act*, not inconsistent with the Company's Special Act, as that expression is defined in *The Railway Act*, the Company may

issue bonds in respect of the said railway to the extent of twenty-five thousand dollars per mile thereof in proportion to the length of railway constructed or under contract to be constructed, which bonds shall, subject, in the first instance, to the payment of any penalty imposed upon the Company for non-compliance with the requirements of *The Railway Act*, and next to the working expenditure of the railways authorized to be constructed under the provisions of section 2 of this Act, be a first lien and charge and be secured exclusively upon the railway, the construction of which is authorized by this Act.

First lien on railway.

5. In lieu of the bonds, the issue of which is authorized by this Act, the Company,—being first authorized so to do by at least two-thirds of the votes of the shareholders present or represented at an annual meeting, or at a special meeting of the shareholders duly called for the purpose,—may issue consolidated debenture stock to the same amount, the holders of which shall have equal rights in all respects and shall rank *pari passu* with holders of such consolidated debenture stock as the Company has, prior to the passing of this Act, been authorized to issue.

Issue of consolidated debenture stock.

Ranking of holders.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS OF CANADA.

BILL 79.

An Act respecting the Canadian Pacific Railway Company.

First reading, February 26, 1909.

(PRIVATE BILL.)

Mr. McIntyre,
(Strathcona.)

OTTAWA
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Printer to the King's most Excellent Majesty
1909

79.

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 80.

An Act respecting the Kootenay and Arrowhead Railway Company.

Preamble. 1901, c. 70; 1906, c. 119.

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:—

Time for construction of railways extended.

1. The Kootenay and Arrowhead Railway Company may, within two years after the passing of this Act, commence the construction of the railways which it was authorized by section 7 of chapter 70 of the statutes of 1901 to construct, and may complete them and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced, or are not completed and put in operation within the said periods respectively, 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 railways as then remains uncompleted.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 80.

An Act respecting the Kootenay and Arrowhead Railway Company.

First reading, February 26, 1909.

MR. TAYLOR,
(Leeds).

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 81.

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

Preamble. 1902, c. 71; 1904, c. 94; 1907, c. 104; 1908, c. 126.

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:—

Time for construction of railways extended.

1. The Manitoba and North Western Railway Company of Canada may commence the construction of the railways authorized by section 9 of chapter 52 of the statutes of 1893, and by section 2 of chapter 104 of the statutes of 1907, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced, or if they are not completed and put in operation within the said periods respectively, 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 railways as then remains uncompleted.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 81.

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

First reading, February 26, 1909.

(PRIVATE BILL.)

MR. CASH.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 82.

An Act respecting the Monarch Fire Insurance Company.

Preamble. R.S.O., 1897, c. 203.

WHEREAS the Monarch Fire Insurance Company has by its petition represented that it was incorporated under "The Ontario Insurance Act," chapter 203 of the Revised Statutes of Ontario, 1897, and that it has, since the thirteenth day of May, one thousand nine hundred and three, carried on the business of fire insurance in the said province; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation. Corporate name.

1. The shareholders of the Monarch Fire Insurance Company, mentioned in the preamble, and hereinafter called "the old Company," together with such persons as become shareholders in the company hereby incorporated, are incorporated under the name of "The Monarch Fire Insurance Company," hereinafter called "the new Company."

Capital.

2. The capital stock of the new Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each.

Shares allotted. Liability of shareholders.

3. Each shareholder of the old Company is declared to be the holder of one-half as many shares in the new Company as he holds in the old Company, but only the sums which have been or are hereafter paid by such shareholder on the issued shares of the old Company, shall be credited as paid on the shares of capital stock of the new Company. 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 sums so credited as paid upon each share and one hundred dollars.

Liability of shareholders of old company.

4. Nothing in this Act shall affect the liability of 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; and 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: Provided, however, that any payment made upon the shares of the new Company shall reduce the liability of the shareholders of the old Company by the amount of such payment.

New company liable for old company's obligations.

5. The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company; and any person having any claim, demand, right, cause of action, or complaint against the old Company, or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers with respect thereto, and to the collection and enforcement thereof from and against the new Company, as such person has against the old Company: 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 persons unless such persons abandon their rights in respect of their shares in the old Company.

Proviso.

R.S., c. 79.

Property of old company vested in new company.

6. All the assets, rights, effects and properties, real, personal and mixed belonging to the old Company or to which it may become entitled, shall be vested in the new Company, subject to existing mortgages or liens, if any, upon due execution of an indenture in the form contained in the schedule to this Act, or to the like effect.

Calls on shares.

7. The directors may, from time to time, make calls upon the shareholders in respect of all moneys unpaid on the shares of the new Company. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint: Provided that no call shall exceed ten per cent, and that not less than thirty days' notice of any call shall be given.

Proviso.

Existing officers continued.

8. The president, vice-president and directors of the old Company shall continue to be such in the new Company until their successors are elected and all by-laws, rules and regulations of the old Company not contrary to law or not inconsistent with this Act shall be the by-laws, rules and regulations of the new Company until amended or repealed under the provisions of this Act.

By-laws.

Directors.

9. The affairs of the new Company shall be managed by a board of not less than five or more than fifteen directors, a majority of whom shall be a quorum. 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 new Company and has paid all calls due thereon and all liabilities incurred by him to the new Company.

Qualification.

Head office.

10. The head office of the new Company shall be in the city of London, in the province of Ontario, but local advisory boards or agencies may be established and maintained, either within Canada or elsewhere, in such manner as the directors from time to time direct.

Local agencies.

Annual meeting.

11. A general meeting of the new Company shall be called once in each year at its head office, and at such meeting a statement of the affairs of the new Company shall be submitted by the directors.

Special meetings.

2. Special general meetings may be called by any three of the directors, or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting; and 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.

Business.

12. The new Company may make and effect contracts of insurance throughout Canada and elsewhere, against damage by fire, wind storm or lightning in or 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 as are agreed upon between the new Company and the insured, and, generally, may carry on the business of fire insurance in all its branches and forms.

Re-insurance.

2. The new Company may also cause itself to be insured against any risk it may undertake in the course of its business.

Risks of other companies.

3. The new Company may also undertake the reinsurance of the risks of other companies.

Real estate.

13. The new Company may acquire and hold real estate required in part or wholly for the use and accommodation of the new Company, and may sell, convey, mortgage, lease or otherwise dispose thereof, 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.

Application of R.S., c. 79.

14. Part II of *The Companies Act*, except sections 125, 134, 141, 158 and 165 thereof, 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, shall apply to the Company.

Application of 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 Insurance Act* and to 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.

Annual payment upon capital.

16. In each year for five years after the issue of a license to the new Company under *The Insurance Act* a sum of fifteen thousand dollars shall be paid annually in cash upon the capital stock of the new Company.

When Act to take effect.

17. This Act shall not take effect unless and until accepted and approved of by a resolution passed by a vote of not less than two-thirds 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.

Notice.

2. Notice of such acceptance and approval, and of the day so fixed, shall be published by the company in *The Canada Gazette*.

SCHEDULE.

This indenture made the.....day of.....1909, between The Monarch Fire Insurance Company, a company registered under the provisions of "The Ontario Insurance Act," being chapter 203 of the Revised Statutes of Ontario, of the first part, hereinafter called "the old Company" and "The Monarch Fire Insurance Company," incorporated by an Act of the Parliament of Canada, of the second part, hereinafter called "the new Company."

Whereas, the shareholders of the old Company have accepted and approved of the new Company's Act of incorporation, being chapter of the statutes of Canada, 1909, intituled "An Act respecting the Monarch Fire Insurance Company," and, by the resolutions of shareholders duly passed in that behalf, the .....day of.....19.., was fixed as the date from which the said Act should take effect;

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

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

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

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 82.

An Act respecting the Monarch Fire Insurance Company.

First reading, February 26, 1909.

(PRIVATE BILL.)

MR. BEATTIE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 83.

An Act to amend the Criminal Code respecting offensive weapons and capital offences.

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

1. Section 119 of *The Criminal Code* is amended by adding thereto the following subsection:— R.S., c. 146, s. 119 amended.

"3. No revolver or pistol shall be sold to any person unless he produces to and leaves with the vendor a permit in writing from the chief of police or a police magistrate or justice of the peace allowing him to purchase a revolver or pistol." Permit for sale of pistol.

2. Section 120 of the said Code is amended by inserting after the word "air-gun," in the third line thereof, the words "or any sheath knife, bowie knife, dagger, metal knuckles, skull cracker, revolver, razor or other offensive weapon." S. 120 amended.

3. Section 121 of the said Code is amended by adding at the end thereof the following words:—"or if convicted on indictment, to a like fine or to imprisonment for any term not less than one year or more than five years, with or without hard labour." S. 121 amended.

4. Section 123 of the said Code is amended by inserting the words "revolver or pistol" after the word "shot" in the third line thereof. S. 123 amended.

5. Section 274 of the said Code is amended by adding thereto the following subsection:— S. 274 amended.

"2. Every one is guilty of an indictable offence, and liable to imprisonment for not less than two years and not more than five years, who unlawfully wounds or attempts to wound, or inflicts or attempts to inflict grievous bodily harm upon any other person with any revolver, knife, stiletto, razor, or other offensive weapon." Wounding with weapons.

6. Section 1064 of the said Code is amended by adding, after the word "judgment" in the second line thereof, the words "be taken to the nearest penitentiary prison and." S. 1064 amended.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 83.

An Act to amend the Criminal Code respecting offensive weapons and capital offences.

First reading, March 1, 1909.

Mr. Lewis.

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 84.

An Act respecting the Athabaska Northern Railway Company.

Preamble. 1905, c. 57; 1907, c. 62.

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:—

Time for construction of railway extended.

1. The Athabaska Northern 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 the passing of this Act, and 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 so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

1907, c. 62 repealed.

2. Chapter 62 of the statutes of 1907 is repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 84.

An Act respecting the Athabaska Northern Railway Company.

First reading, March 2, 1909.

(PRIVATE BILL.)

MR. TURRIFF.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 85.

An Act respecting the British Columbia Southern Railway Company.

Preamble. 1901, c. 49; 1903, c. 87; 1904, c. 52; 1906, c. 66; 1908, c. 87.

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:—

Line of railway authorized.

1. The British Columbia Southern Railway Company may lay out, construct and operate a branch line from a point at or near Michel in a northerly direction through Kananaskis Pass to a point of junction with the main line of the Canadian Pacific Railway at or near Kananaskis, a distance of about one hundred and twenty miles.

Time for construction of railways extended.

2. The said company may commence the construction of the extension of its railway to the forty-ninth parallel and the Tobacco Plains authorized by chapter 55 of the statutes of 1899, and the western section of its railway and the branches to Nelson and Martin Creek as described in section 1 of chapter 52 of the statutes of 1900, and the railway authorized by section 1 of this Act, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced, or are not completed and put in operation within the said periods respectively, the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

Provisions of former Acts to apply.

3. All the provisions of former Acts of Parliament relating to the said company, in so far as they are applicable thereto, shall apply to the branch lines hereby authorized.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS OF CANADA.

BILL 85.

An Act respecting the British Columbia Southern Railway Company.

First reading, March 2, 1909.

(PRIVATE BILL.)

MR. TAYLOR,
(Leeds)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 86.

An Act respecting the Cobalt Range Railway Company.

Preamble. 1906, c. 82.

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:—

Lines of railway authorized.

1. The Cobalt Range Railway Company, hereinafter called "the Company," may lay out, construct and operate the following railways:—

(*a*) From a point in or near the town of Haileybury in the district of Nipissing, in the province of Ontario, thence westerly to a point at or near Elk Lake, via the townships of Bucke, Firstbrook, Barr or Hudson, Lundy, Auld, Cane or Henwood, Barber, Tudhope or Bryce and James, all in the district of Nipissing, and thence to a point at or near Gowganda Lake, via the township of Smyth and intervening portions of the district of Nipissing:

(*b*) From a point in or near the village of Ville Marie, in the county of Pontiac, in the province of Quebec, northerly to a point at or near Opasitica Lake, and thence northerly to its junction with the National Transcontinental Railway.

Time for construction limited.

2. Unless the Company commences the said railways within two years, and completes them and puts them in operation within five years, after the passing of this Act, the powers granted for construction shall cease with respect to so much of the said railways as then remains uncompleted.

Time extended for construction of lines previously authorized.

2. The Company may commence within two years, and complete and put in operation within five years, after the passing of this Act, the railway which it has heretofore been authorized to construct: Provided that the powers of construction conferred upon the Company by Parliament shall cease with respect to so much of the said railway as then remains uncompleted.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 86.

An Act respecting the Cobalt Range Railway Company.

First reading, March 2, 1909.

(PRIVATE BILL.)

MR. HODGINS.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 87.

An Act to incorporate the Arnprior and Pontiac Railway Company.

(*Reprinted as amended and reported by the Railway Committee.*)

Preamble.

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

Incorporation.

1. Arthur H. N. Bruce of the city of Ottawa; James Bell of the town of Arnprior; H. Kedey of Fitzroy Harbour; and Robert Bruce and James Goodwin Gibson, both of the city of Ottawa, together with such persons as become shareholders in the company, are incorporated under the name of "The Arnprior and Pontiac Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

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

Head office.

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

Annual meeting.

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

Directors.

6. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate a line of railway of the gauge of four feet, eight and one-half inches from a point on the Pontiac Pacific Junction Railway between Quyon and Campbell's Bay, in the county of Pontiac, in the province of Quebec, southerly by way of Portage du Fort across the Ottawa river to Fitzroy Harbour, in the county of Carleton, in the province of Ontario, thence westerly, via Arnprior, to a point on the Kingston and Pembroke Railway at or near High Falls, in the county of Renfrew; also from Fitzroy Harbour easterly to a point on the Canadian Pacific Railway at or near

Britannia, in the county of Carleton, and to a point on the Grand Trunk Railway at or near South March, in the county of Carleton.

Bridge across Ottawa river.

8. The Company may, subject to the provisions of *The Railway Act*, construct a bridge across the Ottawa river at or near the Chats Falls, and maintain and use such bridge with the necessary approaches thereto for railway purposes and for the passage of pedestrians, vehicles, cars or carriages propelled or drawn by electric, horse or other motive power, and may lay tracks on the said bridge for the passage of railway and other cars, and may charge tolls for the passage of cars, vehicles and pedestrians over the said bridge, and such tolls shall, before being imposed, be first submitted to and approved of, and may from time to time be revised, by the Board of Railway Commissioners for Canada, but the Company may, at any time, reduce the tolls, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicious place on the said bridge.

Approval of tolls.

Vessels.

Docks and buildings.

9. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Consent of municipalities as to railway on highways.

10. The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Acquisition and distribution of power.

11. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric or other power or energy, which may be transmitted and delivered to any place in the district through which the railway is authorized to be built; and may receive, transform, transmit, distribute and supply such power or energy in any form, and may 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.

Rates.

Consent of municipalities as to telegraph, telephone and electric lines.

R.S., c. 37.

R.S., c. 126.

12. Nothing in this Act, or in *The Railway 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 upon with such municipality.

Telegraphs and telephones.

13. 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 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 may lease its own lines to, any such companies.

Tolls.

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.

R.S., c. 126.

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 telegraphic business of the Company.

Issue of securities for railway.

14. The securities issued by the Company in respect of its railway shall not exceed twenty thousand dollars per mile of railway of single track, or thirty thousand dollars per mile of railway of double track, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Issue of securities for bridge.

15. The Company may issue bonds, debentures or other securities to an amount not exceeding four hundred thousand dollars in aid of the bridge hereby authorized, and such bonds may be secured by a mortgage, and such mortgage may contain provisions that all tolls and revenues derived from the use of the said bridge shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage such rates and tolls as are authorized by the Board of Railway Commissioners for Canada, which rates and tolls shall also be charged as security for such bonds.

Mortgage.

Tolls.

Bond issue for purchase of vessels, etc.

16. The Company may from time to time issue bonds, debentures or other securities for the purchase of lands, the construction or acquisition of any vessels or other properties or works of any kind, other than the railway, which the Company is authorized to construct, acquire or operate, but such bonds, debentures or other securities shall not exceed in amount the value of such lands, vessels, properties and works.

Agreements with other companies.

17. 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 Pontiac Pacific Junction Railway Company, the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Kingston and Pembroke Railway Company,

the Grand Trunk Pacific Railway Company, the Canadian Northern Railway Company, the Montreal, Nipissing and Georgian Bay Railway Company and the Pacific and Atlantic Railway Company, or any of them.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 87.

An Act to incorporate the Arnprior and Pontiac Railway Company.

(*Reprinted as amended and reported by the Railway Committee.*)

(PRIVATE BILL.)

MR. HODGINS.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 88.

An Act respecting assaults and offences against the person.

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

1. Section 291 of *The Criminal Code* is amended by adding the following words thereto: "or if the assault is committed by a male upon a female, to a fine not exceeding fifty dollars, and costs, or to one year's imprisonment, with or without hard labour." R.S., c. 146. s. 291 amended.

2. Section 292 of the said Code is amended by striking out the words "two years" in the second line thereof and substituting therefor the words "five years," and by inserting after the word "and," in the second line, the words "in addition thereto shall be sentenced." S. 292 amended.

3. Section 299 of the said Code is amended by adding thereto the following subsection:— S. 299 amended.

"2. Every one who commits rape on a girl under the age of fourteen years is guilty of an indictable offence and shall, on conviction thereof, be sentenced to death."

4. Section 300 of the said Code is amended by striking out the words "seven years," in the second line thereof, and substituting therefor the words "fourteen years." S. 300 amended.

5. Section 301 of the said Code is amended by inserting after the word "and" in the second line, the words "in addition thereto shall be sentenced." S. 301 amended.

6. Section 302 of the said Code is amended by inserting after the word "and," in the last line thereof, the words "in addition thereto shall be sentenced." S. 302 amended.

7. It shall be the duty of every peace officer to search any person whom he has reason to believe is possessed of the weapon commonly known as a dirk or bowie knife, or any weapon resembling it, or which is not of a character or kind calculated to be used solely for an inoffensive purpose, or any weapon known as a pistol or revolver; and if any such weapon is found in the possession of such person, the peace officer shall forthwith take Arrest and examination of persons carrying bowie knife, pistol or revolver.

Report to Minister of Interior.

Deportation.

him before the nearest justice of the peace or magistrate, who shall proceed to investigate the facts and, if the accused is by such justice or magistrate believed not to be a native of Canada, he shall make a report to the Minister of the Interior in the matter, together with the evidence; and, if the said Minister is satisfied that such person was an immigrant to Canada within four years previously, and had in his possession any such weapon, or if such immigrant is found within four years of his arrival in Canada in possession of any such weapon, the said Minister may order the deportation of such immigrant, and section 33 of *The Immigration Act* shall apply to the case.

Vagrants may be searched.

8. Every vagrant, or loose, idle or disorderly person, may be searched for offensive or dangerous weapons.

Sentence for indeterminate period.

Liberation.

Penalty for further criminal offence.

9. Every person who has been twice convicted of vagrancy shall, on the second conviction, be sentenced for an indeterminate period, with hard labour, to such central prison or penitentiary as to the convicting judge or justice seems meet, and shall be there detained until the Inspector of Prisons is satisfied that he is able and willing to earn his own living and, if set at liberty, will not be a menace to the community. If, after liberation, he commits any criminal offence he shall, upon conviction, be sentenced to be confined in a prison or penitentiary, with hard labour, for a term of not less than five nor more than ten years, in addition to the sentence for the crime last committed.

No vagrant discharged on condition that he leave municipality.

Deportation.

Maximum penalty if twice convicted.

10. It shall not be lawful for a justice before whom any person is brought, charged with being a loose, idle or disorderly person or vagrant, to discharge such person on condition that he leaves the municipality in which he then is. If unknown, he shall be detained until his previous history is ascertained, and if subject to deportation, he shall be deported. If two convictions for vagrancy or assault be proved against him he shall, upon conviction, be sentenced to the maximum penalty prescribed by law.

88.

1st Session, 11th Parliament, 8-9 Edward VI

THE HOUSE OF COMMONS
OF CANADA.

BILL 88.

An Act respecting assaults and of
against the person.

First reading, March 4, 1909.

MR. LE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Ma
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 89.

An Act to amend the Government Harbours and Piers Act.

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

1. Section 16 of *The Government Harbours and Piers Act*, chapter 112 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R. S., c. 112, new s. 16.

"**16.** The Governor in Council may lease to any provincial government, municipal council, harbour commission, shipping company, railway company, or person, any wharf, pier or breakwater under the control of the Minister, for any term of years and upon such terms and conditions as are agreed upon. Lease of wharfs and breakwaters.

"2. The Minister may enter into an agreement, for a term not exceeding three years, with any shipping company or railway company, for the payment of a fixed amount yearly for the use of any wharf, pier or breakwater under his control, in lieu of the tolls and dues leviable for such use in accordance with the rules and regulations made under the authority of this Act, on the vessels and merchandise belonging to or carried by such company." Yearly rental in lieu of tolls.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 89.

An Act to amend the Government Harbours and Piers Act.

First reading, March 4, 1909.

MR. BRODEUR.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 90.

An Act to create a Department of External Affairs.

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

Department created.

1. There shall be a department of the Government of Canada to be called the Department of External Affairs, over which the Secretary of State for the time being shall preside.

Deputy Head.

Officers.

2. The Governor in Council may appoint an officer who shall be called the Under Secretary of State for External Affairs, and who shall be the deputy head of the department, and may also appoint such other officers and clerks as are requisite for the due administration of the business of the department, all of whom shall hold office during pleasure.

Powers and duties of Department.

3. The Secretary of State, as head of the department, shall have the conduct of all official communications between the Government of Canada and the Government of any other country in connection with the external affairs of Canada, and shall be charged with such other duties as may, from time to time, be assigned to the department by order of the Governor in Council in relation to such external affairs, or to the conduct and management of international or inter-colonial negotiations so far as they may appertain to the Government of Canada.

Foreign consular service.

4. The administration of all matters relating to the foreign consular service in Canada shall be transferred to the Department of External Affairs.

Annual report to Parliament.

5. The Secretary of State shall annually lay before Parliament, within ten days after the meeting thereof, a report of the proceedings, transactions and affairs of the department during the year then next preceding.

Commencement of Act.

6. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 90.

An Act to create a Department of External Affairs.

First reading, March 4, 1909.

Mr. MURPHY.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 91.

An Act to incorporate the Prudential Trust Company, Limited.

[*Reprinted as amended by the sub-committee of the Banking and Commerce Committee.*]

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

1. Frederick Albert Emerson and George Bowles, both of the city of Winnipeg, in the province of Manitoba; Alexander David Crooks, Samuel Hugh Bradford and W. J. Green, of the city of Toronto, in the province of Ontario; together with such persons as become shareholders in the company, are incorporated under the name of "Prudential Trust Company, Limited," hereinafter called "the Company." Incorporation. Corporate name.

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

3. The capital stock of the Company shall be one million five hundred thousand dollars. Capital stock.

4. The head office of the Company shall be at the city of Montreal, in the province of Quebec, but the directors may establish branch offices and local advisory boards at such other places in Canada or elsewhere as they determine. Head office. Branch offices.

5. The Company shall not commence business until two hundred thousand dollars of the capital stock have been subscribed, and twenty-five thousand dollars paid thereon: Provided however, that in the event of the Company amalgamating with or purchasing the business of the Prudential Trust Commencement of business. Amalgamation with Manitoba Company.

Company of Manitoba, Limited, herein called "the Manitoba Company," the provisional directors may exchange for the stock of the Manitoba Company stock in the Company of the same amount and class, and having the same amount paid up thereon, and thereupon the Company may commence business, and all the rights in so far as they are not inconsistent with or in excess of the powers conferred by this Act, property and obligations of the Manitoba Company shall be and become transferred to the Company, and all proceedings may be continued or commenced by or against the Company that might have been continued or commenced by or against the Manitoba Company, and the liability of the shareholders of the Manitoba Company to its creditors shall remain as at the time of its amalgamation with the Company.

Directors.

6. The affairs of the Company shall be managed by a board of not less than five nor more than twenty-five directors.

Qualification.

2. No shareholder shall be eligible for election as a director unless he holds in his own right at least ten shares upon which all calls due have been paid; and if any director makes an assignment for the benefit of creditors or comes within the operation of any insolvent law then in force, or ceases to hold ten shares in his own right, he shall *ipso facto* cease to be a director, and his place may be filled for the remainder of the term by the directors from among the qualified shareholders of the Company.

Paid directors.

3. Any one or more of the directors may be paid a salary or other remuneration by the Company for his services.

Resolution signed by all directors.

4. The Company may by by-law provide that a resolution in writing signed by all the directors shall be as valid as if it had been passed at a meeting of the directors.

Calls on stock.

7. Calls on stock may be made by the directors at such times and in such proportions as they deem proper, but no call shall exceed ten per cent, and no call shall be made at a less interval than one month from the last preceding call.

Business of Company.

8. The Company may—

Trust money.

(*a*) receive money in trust for the purposes herein specified, and invest and accumulate it at such rates of interest as can be obtained therefor;

Trustee.

(*b*) accept and execute all such trusts of every description and nature as are entrusted to it by any government or person, or committed or transferred to it by any order, judgment or decree of any court in Canada or elsewhere; execute the offices of executor, administrator, trustee, accountant, arbitrator, adjuster, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator or committee of a lunatic, and perform the duties of such offices or trusts as fully and completely as any person so appointed could do; and in all cases where application is made to any court, judge, officer or person having authority to make an appointment to any such office or trust, such court, judge, officer or person may appoint the Company, with its consent, to hold such office or trust, and may substitute, if necessary, for any obligations required from a private person appointed to such offices such usual obligations as are applicable

to corporations, and may fix the remuneration of the Company, take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest, or otherwise, any real or personal estate upon any lawful trusts, and perform and execute them according to the terms and for the purposes declared, established, or agreed upon; accept from, and execute trusts for, married women in respect of their separate property, real or personal, and act as agent for them in the management of such separate property; guarantee repayment of the principal or payment of the interest, or both, of any moneys entrusted to the Company for investment, on such terms and conditions as are agreed upon; act as agents for countersigning, registering or otherwise ascertaining and certifying to the genuineness of any issue of stock, bonds, debentures or other securities for money of any government, municipal or other corporate body duly authorized to issue and make the said issue, and hold the said securities as agent or trustee; and act generally as fiscal or other agent for any such government or corporate body;

Agent.

(*c*) act as agent or attorney for winding up estates, receiving or collecting any principal, interest, rents, coupons, mortgages, debts, debentures or other securities or evidences of debt or demands of any nature, and in the sale or purchase of any real or personal property, and generally act in all matters in the nature of a trust or general agency;

Safe deposit.

(*d*) be the custodian, on such terms as are agreed upon, of any jewellery, plate and other valuable property, and of deeds, wills, debentures, and other evidence of title or indebtedness;

Management of estates.

(*e*) act as investing and managing agent of estates and properties for and on behalf of executors, administrators and trustees, or other persons;

Remuneration.

(*f*) receive and collect such remuneration for its services as is agreed upon or as fixed from time to time or allowed by law, and all usual and customary charges, costs and expenses;

Deposits.

(*g*) receive moneys on deposit until invested and allow interest thereon;

Securities for debts.

(*h*) take securities of such nature as are deemed expedient for any moneys owing to the Company;

Rights, privileges and concessions from governments.

(*i*) obtain from any government any rights, privileges and concessions which the Company thinks it desirable to obtain, and carry out, exercise and comply with any such rights, privileges and concessions, not inconsistent with the provisions of this Act or of any other Act of the Parliament of Canada;

Real estate which may be held.

(*j*) Hold such real estate as is necessary for the transaction of its business, not exceeding the net yearly value of fifteen thousand dollars, and any further real estate of whatever value which, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and from time to time sell, mortgage, lease or otherwise dispose thereof; but the Company shall sell any real estate acquired in satisfaction of any debt due to itself, other than as trustee or in an official capacity, within seven years after such acquisition, unless such time is extended by order of the Governor in Council, otherwise such real estate shall revert to His Majesty for the use of Canada.

Investment of trust moneys.

9. The Company shall invest trust moneys as follows, and may manage, sell or dispose of such investments as the terms of the trust requires,—

Mortgages of real estate.

(*a*) upon first mortgages of or hypothecs upon improved freehold property in Canada, the British Empire or in the United States, and may accept personal property or covenants by way of collateral security thereto ;

Stock and securities.

(*b*) in the stock, funds of government securities of Canada, or of any province of Canada, or of the United States, or guaranteed thereby respectively, or in bonds or debentures of any municipal corporation in any such province other than municipal corporations having a population of less than two thousand or an annual rate of assessment exceeding two cents on the dollar exclusive of school tax, or in the bonds and debentures of any school district in any such province, or in the public stock, funds or government securities of the United Kingdom, or of any of the colonies or dependencies thereof ;

Securities specified by trust.

(*c*) in such securities as are specified by the terms of the trust.

Existing securities.

2. Nothing in this section shall prevent the Company from holding securities of any other kind which form or are part of any trust estate which comes into its hands; and it may hold such securities subject to the trusts and legal obligations attached thereto; but in the case of the realization of any portion thereof the proceeds shall be invested as herein directed, unless the will, deed, order, or instrument creating the trust provides otherwise.

Trust funds to be kept separate.

10. The moneys and securities of any such trust shall always be kept distinct from those of the Company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other in the registers and other books of account to be kept by the Company, so that at no time shall trust moneys form part of or be mixed with the general assets of the Company; and the Company shall, in the receipt of rent, and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations connected therewith: Provided that in the management of the money and property held by the Company as trustee, or in any other official capacity, under the powers conferred by this Act, the Company may, unless the authority making the appointment otherwise directs, invest the trust money in the manner provided by section 9 of this Act in a general trust fund of the Company; Provided always that the total amount of money of any one trust invested in the said general trust fund shall not, at any time, exceed three thousand dollars.

Investment of funds.

Trust property not liable for debts of Company.

11. Moneys, properties and securities received or held by the Company upon trust or as agent shall not be liable for the debts or obligations of the Company.

Investment of moneys of Company.

12. The Company may invest any moneys forming part of its own capital or reserve or accumulated profit thereon in any of the securities mentioned in section 9 of this Act, or on the security of real estate in Canada, or any interest in such real estate, or on the security of the debentures, bonds, stock and other securities of any chartered bank or company incorporated by or under the authority of the parliament of Canada, or of the legislature of any province, as the directors deem expedient.

Accounts to be rendered by Company when made trustee by court.

13. In case of the appointment of the Company to any trust or office by any court in Canada, or any judge, officer, or person having lawful authority in that behalf, such court, judge, officer or person may, from time to time, require the Company to render an account of its administration of the particular trust or office to which it has been appointed, and may from time to time appoint a suitable person to investigate the management of such particular trust by the Company, and as to the security afforded to those by or for whom its engagements are held, and such person shall report thereon to such court, judge, officer or person, and the expenses of such investigation shall be borne as ordered by such court, judge or officer.

Note issue prohibited.

14. Nothing in this Act shall be construed to authorize the Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or of insurance.

Banking prohibited.

Provincial laws to govern.

15. The powers and authority hereby granted to the Company shall be exercised in any province subject to the laws of such province in that behalf, and shall not have any force or effect in any province in any respect in which they are inconsistent with the laws of that province.

Annual statement to be given to Minister of Finance.

16. The Company shall prepare, and annually transmit to the Minister of Finance, a statement in duplicate, verified by the oath of the president or vice-president and of the manager or secretary, setting forth the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company, the trust property held by it, and such other details as the Minister requires, and such statements shall be made up to the thirty-first day of December in each year.

R.S., c. 79.

17. Part II of *The Companies Act*, except sections 125, 141 and 165 thereof, shall apply to the Company, but section 134 thereof shall, so far as relates to the Company, be read as if the words "other than a trust company," in lines one and two thereof, did not occur in the said section.

Forfeiture of charter by non-user.

18. The powers granted by this Act shall expire, and this Act shall cease to be in force at the end of two years from the passing thereof, unless the Company goes into actual operation within such two years.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 91.

An Act to incorporate the Prudential Trust Company, Limited.

[*Reprinted as amended by the sub-committee of the Banking and Commerce Committee.*]

(PRIVATE BILL.)

MR. MACDONELL.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 91.

An Act to incorporate the Prudential Trust Company, Limited.

[*Reprinted as proposed to be amended in the Banking and Commerce Committee.*]

Preamble.

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

Incorporation.

Corporate name.

1. Frederick Albert Emerson and George Bowles, both of the city of Winnipeg, in the province of Manitoba; Alexander David Crooks, Samuel Hugh Bradford and W. J. Green, of the city of Toronto, in the province of Ontario; together with such persons as become shareholders in the company, are incorporated under the name of "Prudential Trust Company, Limited," hereinafter called "the Company."

Provisional directors.

Powers.

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, 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 may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company.

Capital stock.

3. The capital stock of the Company shall be one million five hundred thousand dollars.

Head office.

Branch offices.

Change of head office.

4. The head office of the Company shall be at the city of Montreal, in the province of Quebec, but the directors may establish branch offices and local advisory boards, or executive boards or committees, at such other places in Canada or elsewhere as they determine, and may delegate to them such duties and powers as the directors think proper.

2. Notwithstanding anything in section 136 of *The Companies Act*, the directors may from time to time change the head office of the Company to any place in Canada or in the United Kingdom.

Commencement of business.

Amalgamation with Manitoba Company.

5. The Company shall not commence business until two hundred thousand dollars of the capital stock have been subscribed, and fifty thousand dollars paid thereon: Provided, however, that in the event of the Company amalgamating with or purchasing the business of the Prudential Trust Company of Manitoba, Limited, herein called "the Manitoba Company," the provisional directors may exercise the powers of creating preference stock under subsection 2 of section 3, of this Act, as therein contained, and may exchange for the stock of the Manitoba Company, stock in the Company of the same amount and class, and having the same amount paid up thereon, and thereupon the Company may commence business, and all the rights in so far as they are not inconsistent with or in excess of the powers conferred by this Act, property and obligations of the Manitoba Company shall be and become transferred to the Company, and all proceedings may be continued or commenced by or against the Company that might have been continued or commenced by or against the Manitoba Company, and the liability of the shareholders of the Manitoba Company to its creditors shall remain as at the time of its amalgamation with the Company.

Directors.

6. Notwithstanding anything in section 125 of *The Companies Act*, the affairs of the Company shall be managed by a board of not less than five nor more than twenty-five directors.

Paid directors.

2. Any one or more of the directors may be paid a salary or other remuneration by the Company for his services.

Resolution signed by all directors.

3. A resolution in writing signed by all the directors shall be as valid as if it had been passed at a meeting of the directors.

Calls on stock.

7. Notwithstanding anything in section 141 of *The Companies Act*, calls on stock may be made by the directors at such times and in such proportions as they deem proper, but no call except the first shall exceed ten per cent and no more than twenty-five per cent shall be called in any year after the first year.

Business of Company.

8. The Company may—

Dealing in mortgages, securities and stock.

(*a*) carry on the business of lending money on and dealing in (i) mortgages or hypothecs upon freehold or leasehold, real or personal estate; (ii) the debentures, bonds and other securities and obligations of any government or of any municipal or school corporation, and the debentures, bonds and other securities and obligations and the capital stock of any chartered bank or association or society or incorporated company, whether incorporated under the laws of Canada, or of any province thereof, or of any foreign state or country;

Acquire real property for cash or stock.

(*b*) acquire, own, buy and sell such real and personal property as it deems expedient for the purpose of carrying on its business, and may pay therefor in cash or in the capital stock of the Company, or partly in cash and partly in the capital stock of the Company;

Lend money.

(*c*) lend money upon securities, real or personal, in whatever manner the Company deems expedient;

Take securities.

(*d*) take securities of such nature as are deemed expedient for any moneys owing to the Company;

(*e*) borrow money on the credit of the Company, and issue bonds or debentures or other securities for any sums borrowed at such prices as are deemed necessary or expedient, and hypothecate or pledge the real or personal property of the Company to secure any such sums borrowed by the Company; Borrowing powers and issue of securities.

(*f*) enter into any arrangement for sharing profits, union of interests, co-operation, purchase or amalgamation or otherwise with any person or company carrying on, or engaged in or about to carry on or engage in, any business or transaction which the Company is authorized to carry on or engage in, or about to carry on or engage in any business or transaction which the Company is authorized to carry on or engage in, or any business or transaction which seems to the Company capable of being conducted so as to directly or indirectly benefit the Company, and may lend money to or guarantee the contracts of, or otherwise assist any such person or company, and take or otherwise acquire shares and securities of any such company, and sell, hold, reissue, with or without guarantee, or otherwise deal therewith; Arrangements with third parties.

(*g*) act as a safe deposit company, and receive and store for safe keeping all kinds of securities and personal property, and rent spaces and compartments for the storage of securities or personal property, and enter into all contracts for regulating the terms and conditions upon which the said business is to be carried on, and also receive money on deposit upon such terms as to interest, security, payment and otherwise as are agreed upon; Safe deposit.

(*h*) enter into any arrangements with any government or authority, dominion, provincial, municipal, local or otherwise, that may seem conducive to the Company's objects, and obtain from any such government or authority any rights, privileges, and concessions, which the Company thinks it desirable to obtain, and may carry out, exercise, and comply with any such arrangements, rights, privileges and concessions; Arrangements with governments, etc.

(*i*) receive and hold all estates and property, real and personal, which may be granted, committed, transferred, delivered, or conveyed to it, with its consent, upon any trusts whatever, (not contrary to law), at any time, by any person or court, and sell, mortgage, pledge, lease, dispose of, transfer, convey or otherwise deal therewith, in any manner and in accordance with, and in pursuance of, any trust respecting it, and may administer, fulfil and discharge the duties of such trusts for such remuneration as is agreed on; and may act generally as agent or attorney for the transaction of business, the management and winding up of estates, partnerships, companies, associations and other corporations, the collecting of rents, dividends, interest, mortgages, bonds, bills, notes, and securities for money; and may act as agent for the purpose of issuing or countersigning the certificates of stocks, bonds or other obligations of any corporation, company, association, city, town, village, rural municipality, rural school district, public school board or municipality, or any public institution; and may receive and manage any sinking fund on such terms as are agreed upon; and may invest all moneys entrusted it for investment, upon the security of or in the purchase of life insurance policies, annuities, mortgages upon real property or the de- Management of estates. Agent. Sinking fund. Investment of trust moneys.

bentures of cities, towns, villages or rural municipalities, or rural school districts, or public school boards, or any bonds or debentures of any corporation or company, and all securities in which trustees are by law authorized to invest trust moneys; and may receive moneys on deposit until invested, and allow interest thereon; and may guarantee any investment made by it as agent or otherwise; and may realize for the purpose of any money invested for such trust; and may sell, pledge, mortgage, transfer or dispose of any securities or investments, or any real or personal property held by the Company, or upon which any trust funds may be invested, so as to realize such funds and property, whenever they are required for distribution or for payment to the persons entitled thereto on the fulfilment of the objects of any trust, or for any purpose connected therewith; and may on behalf of such persons or corporations as entrust it with money for that purpose, invest such moneys upon any of the securities hereinbefore mentioned: Provided that nothing herein shall be held either to restrict or extend the powers of the Company as trustee or agent under the terms of any trust or agency that may be conferred upon it;

Guarantee investments.

Disposal of investment.

Investment of trust moneys.

Proviso.

(*j*) accept and execute the offices of executor, administrator, administrator *de bonis non* or with the will annexed, liquidator, trustee, receiver, curator, assignee, official guardian, official administrator, assignee or trustee for creditors, or a guardian *ad litem*, guardian of any minor or committee of any lunatic, and in all cases when application shall be made to any court for the appointment of any executor, trustee, receiver, guardian, administrator, administrator *de bonis non* or committee of any lunatic, it shall be lawful for any such court to appoint the Company, (subject as hereinbefore provided) with its consent to hold such offices; and the accounts of the Company, as such executor, administrator, administrator *de bonis non*, trustee, receiver, assignee, guardian, or committee, shall be regularly settled and adjusted by the proper officers, or tribunals, and all proper, legal, usual and customary charges, costs and expenses shall be allowed to the Company for the care and management of the estate so committed to it.

Executor, trustee, assignee, guardian.

Existing securities.

9. Nothing in this Act shall prevent the Company from holding securities of any other kind than those heretofore mentioned which form or are part of any trust estate which comes into its hands; and it may hold such securities subject to the trusts and legal obligations attached thereto; but in the case of the realization of any portion thereof the proceeds shall be invested as herein directed, unless the will, deed, order, or instrument creating the trust provides otherwise.

Trust funds to be kept eparate.

10. The moneys and securities of any trust shall always be kept distinct from those of the Company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other in the registers and other books of account to be kept by the Company, so that at no time shall trust moneys form part of or be mixed with the general assets of the Company; and the Company shall, in the receipt of rent, and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations con-

nected therewith: Provided that in the management of the money and property held by the Company as trustee, or in any other official capacity, under the powers conferred by this Act, the Company may, unless the authority making the appointment otherwise directs, invest the trust money in any manner provided by this Act in a general trust fund of the Company; Provided that the total amount of money of any one trust invested in the said general trust fund shall not, at any time, exceed three thousand dollars.

Investment of funds.

11. Moneys, properties and securities received or held by the Company upon trust or as agent shall not be liable for the debts or obligations of the Company.

Trust property not liable for debts of Company.

12. In case of the appointment of the Company to any trust or office by any court in Canada, or any judge, officers, or person having lawful authority in that behalf, such court, judge, officer or person may, from time to time, require the Company to render an account of its administration of the particular trust or office to which it has been appointed, and may from time to time appoint a suitable person to investigate the management of such particular trust by the Company, and as to the security afforded to those by or for whom its engagements are held, and such person shall report thereon to such court, judge, officer or person, and the expenses of such investigation shall be borne as ordered by such court, judge or officer.

Accounts to be rendered by Company when made trustee by court.

13. Nothing in this Act shall be construed to authorize the Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking (save and except the receipt of money as aforesaid).

Note issue prohibited.

Banking prohibited.

14. The powers and authority hereby granted to the Company shall be exercised in any province subject to the laws of such province in that behalf, and shall not have any force or effect in any province in any respect in which they are inconsistent with the laws of that province.

Provincial laws to govern.

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

Annual statement to be given to Minister of Finance.

16. Part II of *The Companies Act*, except sections 125, 141 and 165 thereof, shall apply to the Company, but section 134 thereof shall, so far as relates to the Company, be read as if the words "other than a trust company" in lines one and two thereof did not occur in the said section.

R.S., c. 79.

Forfeiture of charter by non-user.

17. The powers granted by this Act shall expire, and this Act shall cease to be in force at the end of two years from the passing thereof, unless the Company goes into actual operation within such two years.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 91.

An Act to incorporate the Prudential Trust Company, Limited.

[*Reprinted as proposed to be amended in the Banking and Commerce Committee.*]

(PRIVATE BILL.)

MR. MACDONELL.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 92.

An Act respecting patents of the Hart-Otis Car Co., Limited.

Preamble.

WHEREAS the Hart-Otis Car Co., Limited, has by its petition represented that it is the owner of the patents respectively enumerated in the schedule hereto, and that the said patents were issued under the seal of the Patent Office on the dates and for the improvements mentioned opposite the number of each patent respectively; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commissioner of Patents may change conditions of patents.

1903, c. 46; R.S., c. 69.

1. Notwithstanding anything in chapter 61 of the Revised Statutes, 1886, as amended by chapter 46 of the statutes of 1903, or in chapter 69 of the Revised Statutes, 1906, or in the patents referred to in the preamble of this Act and enumerated in the schedule hereto, the Commissioner of Patents may, within three months after the passing of this Act, receive petitions for the making of, and, if in his discretion he thinks proper, may make, orders that the said patents, instead of being subject to the conditions set forth in paragraph (*a*) of section 38 of the said chapter 69 of the Revised Statutes, 1906, shall be subject to the conditions set forth in paragraphs (*a*), (*b*), (*c*) and (*d*) of section 44 of the said chapter 69.

SCHEDULE.

Patent Number.	Date of Patent.	Improvements in
71522	May 28, 1901	Convertible dump cars.
81571	June 30, 1903	Dump cars.
81580	" 30, 1903	"
81851	July 14, 1903	Metal dump cars.
82110	" 28, 1903	Ballast spreading cars.
82596	Aug. 25, 1903	Dump cars.
82687	Sept. 1, 1903	Dumping cars.
83208	Oct. 6, 1903	Dump cars.
83209	" 6, 1903	Bottom dumping cars.
83212	" 6, 1903	Dump cars.
83213	" 6, 1903	"
83214	" 6, 1903	Drop bottom dump cars.
83215	" 6, 1903	Dump cars.
83216	" 6, 1903	Railway cars.
83342	Oct. 13, 1903	Dump cars.
83451	" 20, 1903	"
83452	" 20, 1903	"
83453	" 20, 1903	"
83454	" 20, 1903	"
83455	" 20, 1903	"
83456	" 20, 1903	"
85546	Feb. 23, 1904	Combination freight and dump cars.
90131	Nov. 22, 1904	Dump cars.
90133	" 22, 1904	"
90980	Jan. 17, 1905	"
91539	Feb. 14, 1905	"
91540	" 14, 1905	"
91541	" 14, 1905	Railway cars.
91542	" 14, 1905	Dump cars.
91543	" 14, 1905	"
91770	Feb. 28, 1905	"
92458	Apr. 14, 1905	"
92656	" 18, 1905	Railway cars.
92678	" 18, 1905	"
94438	Aug. 1, 1905	"
96757	Dec. 26, 1905	Freight and dump cars.
96758	" 26, 1905	" "
97316	Feb. 6, 1906	Dump cars.
97317	" 6, 1906	"
97318	" 6, 1906	Railway cars.
97701	" 27, 1906	Dump cars.
97702	" 27, 1906	"
97703	" 27, 1906	End sills for cars.
98173	Mar. 27, 1906	Dump cars.

92.

1st Session, 11th Parliament, 8-9 Edward VII

THE HOUSE OF COMMONS
OF CANADA.

BILL 92.

An Act respecting patents of the
Otis Car Co., Limited.

First reading, March 5, 1909.

(PRIVATE BILL.)

Mr. Geoffri

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent Maj
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 93.

An Act respecting patents of Ammonal Explosives (1908), Limited.

Preamble.

WHEREAS Ammonal Explosives (1908), Limited, of London, England, have by their petition represented that they are the owners of patent number seventy-four thousand four hundred and fifty-eight, dated the twenty-first day of January, one thousand nine hundred and two, for improvements in explosives; patent number ninety-one thousand two hundred and fifty-four, dated the thirty-first day of January, one thousand nine hundred and five, for improvements in explosives; and patent number ninety-two thousand six hundred and seven, dated the eleventh day of April, one thousand nine hundred and five, for improvements in explosives; issued under the seal of the Patent Office; and whereas the said Ammonal Explosives (1908), Limited, have 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:—

Duration of patents extended.

1. Notwithstanding anything in *The Patent Act*, or in the patents mentioned in the preamble, the failure to manufacture in Canada the explosives patented under the said patents shall not be deemed to have affected the validity of the said patents, and shall in no wise cause any forfeiture of rights under the said patents, but the time for such manufacture shall be deemed to have been duly extended, and is hereby extended, up to the end of two years from the passing of this Act, and such extension shall have the same effect as if applied for and granted within the time prescribed by *The Patent Act*.

Commissioner may make orders respecting conditions as to manufacture.

2. Notwithstanding anything in *The Patent Act*, or in the two patents last mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive petitions for the making of, and may make, orders that the said patents, instead of being subject to the conditions set forth in parargaph (*a*) of section 38 of *The Patent Act*, shall be subject to the conditions set forth in paragraphs (*a*), (*b*), (*c*) and (*d*) of section 44 of the said Act.

Extension of period of importation.

3. Notwithstanding anything in *The Patent Act*, or in the patents mentioned in the preamble, the importation into Canada of the explosives covered by the said patents in the preamble mentioned, beyond the period authorized by *The Patent Act*, shall not be deemed to have affected the validity of the said

patents, and shall in no wise cause any forfeiture of rights under the said patents; and a further extension of time to import for a period of six months from the date of the passing of this Act is hereby granted with respect to the patents in the preamble mentioned, and the said patents shall be considered in all respects as if an extension of the period of importation had been obtained up to the end of the period authorized by this Act: provided always that the amount of importation during the extended period shall not exceed two hundred tons.

Existing rights saved.

4. If any person, other than a licensee, has in the period between the twenty-first day of January, one thousand nine hundred and three, and the fifth day of December, one thousand nine hundred and eight, commenced to manufacture, use and sell in Canada the invention covered by the said patent number seventy-four thousand four hundred and fifty-eight, or has in in the period between the thirty-first day of January, one thousand nine hundred and six, and the said fifth day of December commenced to manufacture, use and sell in Canada the invention covered by the said patent number ninety-one thousand two hundred and fifty-four, or has in the period between the eleventh day of April, one thousand nine hundred and six, and the said fifth day of December commenced to manufacture, use and sell in Canada the invention covered by the said patent number ninety-two thousand six hundred and seven, such person may continue to manufacture, use and sell such inventions in as full and ample a manner as if this Act had not been passed.

93.

1st Session, 11th Parliament, 8-9 Edward VI

THE HOUSE OF COMMONS
OF CANADA.

BILL 93.

An Act respecting patents of Am
Explosives (1908), Limited.

First reading, March 8, 1909.

(PRIVATE BILL.)

MR. MACDONELL

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 94.

An Act respecting the Cedars Rapids Manufacturing and Power Company.

Preamble. WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1904, c. 65.

Expropriation powers. Time extended. **1.** The expropriation powers granted to the Cedars Rapids Manufacturing and Power Company by chapter 65 of the statutes of 1904 shall cease and determine on the thirtieth day of June, one thousand nine hundred and fourteen, and shall not be exercised thereafter, nor shall they at any time be exercised to the detriment of the vested rights of any person or company already duly authorized to carry on water power operations, or of any proprietors of water powers in or adjacent to the River St. Lawrence, in the county of Soulanges, in the province of Quebec, except in the Cedars Rapids, within the limits described in subsection 2 of section 12 of the said chapter 65.

Extension as to transmission lines. 2. The limitation of time fixed by this section for expropriation shall not apply to the expropriation of lands required for right of way for transmission lines and conduits.

Section 12 amended. **2.** Subsection 3 of section 12 of chapter 65 of the statutes of 1904 is repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 94.

An Act respecting the Cedars Rapids Manufacturing and Power Company.

First reading, March 8, 1909.

(PRIVATE BILL.)

MR. BOYER.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 95.

An Act to incorporate the Royal Guardians.

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

WHEREAS the Royal Guardians has represented that it is a fraternal benefit association incorporated under section II of chapter first of the statutes of Quebec of 1899, and has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. Que., 1899, c. 32.

1. Thomas Brady, of Westmount, Isidore Laviolette, of Montreal, John Hyde, of Westmount, Alexander Thomson Patterson, of Longueuil, James Martin, of Montreal, Thomas Page Butler, of Montreal, and Osmond W. G. Dettmers, of Montreal, together with such persons as are now members of the fraternal association mentioned in the preamble, hereinafter called "the provincial association," or who become members of the association hereby incorporated are incorporated under the name of "The Royal Guardians," hereinafter called "the Association." Incorporation. Corporate name.

2. The head office of the Association shall be in the city of Montreal. Head office.

3. The objects of the Association shall be— Objects.

(*a*) To promote the welfare, social and fraternal, of its members:

(*b*) To aid its members during sickness or other disability, to care for them while living and to bury the dead; and for this purpose to establish and maintain the necessary funds;

(*c*) To pay annuities to members;

(*d*) To pay a stipulated sum to such beneficiary as a deceased member while living may have designated;

(*e*) To secure for its members such other advantages as may lawfully be provided for by the constitution and laws of the Association;

(*f*) Generally to act as a fraternal, charitable, beneficial and benevolent association.

4. The Association shall be governed by a representative body to be known as the Supreme Lodge, Royal Guardians, Governing body.

whose officers shall be elected annually or biennially, as may be determined by by-law; and such Supreme Lodge shall be composed of the present officers and members of the Supreme Lodge of the provincial association, who shall hold office until the next meeting of the said Supreme Lodge, together with representatives from each subordinate lodge; and the appointment and powers of such representatives shall be provided for in the by-laws or constitution of the Association.

Constitution and laws.

5. The Association and its members shall be governed by the present constitution, laws and regulations of the provincial association until they are altered or re-enacted under the authority of this Act.

By-laws.

6. For the purpose of carrying out the provisions of this Act, the Association, or the trustees thereof under the authority of the Association, may make such by-laws, not contrary to law, as are deemed necessary or expedient.

Subordinate lodges.

7. Subject to the constitution and laws of the Association, subordinate lodges of the Association may be established by the Supreme Lodge under the title and number designated in the charter granted by the Supreme Lodge, and subject to such provisions and conditions and with such powers as the Association may from time to time determine; provided, however, that such powers shall not be in excess of those conferred upon the Association by this Act.

Level premium or legal reserve basis.

8. The business of the Association shall be carried on upon the level premium or legal reserve basis and not upon the assessment plan, and the premiums or contributions for the several benefits provided for shall be payable monthly, bi-monthly, quarterly, half-yearly, or annually in advance.

Reserves and interest rates to be maintained.

9. The Association shall maintain,—

(*a*) in respect of all sums payable at death, the reserves required by the National Fraternal Congress Table of Mortality and a rate of interest of four per cent;

(*b*) in respect of sums payable at or during sickness or disability, such additional reserves as are required by such standard tables as may, in the opinion of the Superintendent of Insurance, be appropriate and the said rate of interest; and

(*c*) in respect of annuity contracts, the reserves required by the British Offices Select Life Annuity Tables, 1893, and interest at the said rate;

all such reserves being ascertained by the net premium method.

Conditions for obtaining license.

10. As a condition precedent to obtaining the license required by *The Insurance Act* it shall be established, to the satisfaction of the said Superintendent of Insurance, that the assets of the Association are to the extent of at least five thousand dollars in excess of the liabilities including the reserve upon its several classes of insurance contracts in existence at the time the said license is granted, calculated upon the basis specified in section 9 hereof.

Deposit unnecessary for sick benefit business.

11. The Association shall not be required to make any deposit in order to entitle it to commence and carry on the business of collecting and paying sick benefits by this Act authorized; provided that the Treasury Board may require a deposit not exceeding ten thousand dollars to be made from the sick benefit fund so soon as the required amount is available for such purposes.

Sick benefits.

12. No sick benefits shall be paid to any member exceeding five dollars per week, nor for more than twelve weeks in any period of twelve consecutive months.

Registers and books of account.

2. Separate and distinct registers and books of account shall be kept by the Association, showing the members entitled to participate in the sick benefit fund, the receipts and payments in respect thereof, the amounts from time to time chargeable against it, and every other matter and detail of which an account ought to be kept.

Fund for payment.

3. The sick benefit fund and securities representing it shall alone be available for the payment of sick benefits, and no other assets or securities of the Association shall be available for that purpose.

Registers and books for mortuary and annuity funds.

13. Separate and distinct registers and books of account shall also be kept by the Association showing the members who, or whose representatives, are entitled to share in the mortuary and annuity funds, the receipts and payments in respect thereof, the sums from time to time chargeable against the same, and all other necessary and proper details.

Limitations as to real property.

14. The Association may acquire and hold property and dispose thereof, but the real property so to be held shall not exceed at any one time the annual value of ten thousand dollars in the province of Quebec and five thousand dollars in any other province of Canada, and the said property shall be held and conveyed, subject to the laws of the province in which it is situate, by such officers as the Supreme Lodge of the Association determines, and if no such officer is designated by by-law of the Association, then such real estate may be held and conveyed by the Supreme Guardian and Supreme Secretary, whose signatures under the seal of the Association shall be the act of the Association.

Acquisition of assets of provincial association.

15. All the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to and now standing in the name of the provincial association, or to which it is or may become entitled, shall be vested in the Association upon due execution of the indenture in the schedule to this Act, but shall remain subject to existing mortgages or liens, if any.

Liability for obligations of provincial association.

16. The Association hereby assumes the liabilities of the provincial association, and shall pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties for or in respect to which the provincial association was, is now, or may become liable, and the Association shall indemnify

the provincial association for all loss or damage occasioned thereby.

Documents to be filed.

17. Within three months after the passing of this Act, a certified copy of the constitution and laws of the Association and of the form of its beneficiary certificate or contract shall be deposited in the office of the Secretary of State of Canada and in the office of the Superintendent of Insurance, and copies of any future amendments thereto shall be deposited within three months from their adoption by the Association.

Future legislation to apply.

18. Nothing herein shall exempt the Association from the effect of any legislation hereafter passed by Parliament with respect to any insurance powers exercised by friendly societies.

R.S., c. 34.

19. *The Insurance Act* shall apply to the Association except in so far as it is not inconsistent with this Act.

When Act shall take effect.

20. This Act shall not take effect unless and until accepted and approved of by a resolution passed by a vote of not less than a three-fourths majority of the representatives and members of the said provincial association present or represented by proxy at a special general meeting of the provincial association 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 the purpose by the said vote.

Notice.

2. Notice of such acceptance and approval, and of the day so fixed, shall be published by the Association in *The Canada Gazette*.

SCHEDULE.

This indenture, made the day of 190 , between the Royal Guardians, a fraternal benefit association, incorporated under section II of chapter first of the statutes of 1899 of Quebec, of the first part, hereinafter called "the Provincial Association," and the Royal Guardians, incorporated by chapter of the statutes of 1909 of Canada, of the second part, hereinafter called "the new Association."

Whereas, by a resolution duly passed in that behalf, the members of the Provincial Association have accepted and approved of the new Association's said Act of incorporation, intituled "An Act to incorporate the Royal Guardians," and, by the said resolution the day of 190 , was fixed as the date from which the said Act should take effect;

And whereas by the said Act the new Association is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the Provincial Association.

And whereas the Provincial Association has agreed to convey and assign the same to the new Association.

Now this indenture witnesseth: That in consideration of the said Act, and in consideration of the covenants by the new Association hereinafter contained, the Provincial Association grants, assigns, transfers and sets over unto the new Association, its successors and assigns forever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the Provincial Association, or to which it is or may become entitled: To have and to hold unto the new Association, its successors and assigns, to and for its sole and only use forever; and the Provincial Association covenants with the new Association to execute and deliver, at the expense of the new Association, all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Association, its successors and assigns, the full, legal, equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property, and each and every part thereof.

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

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 95.

An Act to incorporate the Royal Guardians.

[*Reprinted as proposed to be amended in the Banking and Commerce Committee.*]

(PRIVATE BILL.)

MR. LACHANCE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 96.

An Act respecting the Kettle River Valley Railway Company.

Preamble. 1901, c. 68; 1903, c. 138; 1904, c. 89; 1906, c. 117.

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:—

Line of railway authorized.

1. The Kettle River Valley Railway Company, hereinafter called "the Company," may lay out, construct and operate a railway from a point at or near Penticton, in the province of British Columbia by the most feasible route to a point at or near Nicola, in the said province.

Time for construction of railways extended.

2. The Company may, within two years after the passing of this Act, commence the construction of its railways heretofore authorized, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not commenced, or if the said railways are not completed and put in operation, within the said periods respectively, the powers of construction conferred upon the Company by Parliament shall cease as to so much of the said railways as then remains uncompleted.

1906, c. 117, s. 4 repealed.

3. Section 4 of chapter 117 of the statutes of 1906 is repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 96.

An Act respecting the Kettle River Valley Railway Company.

First reading, March 8, 1909.

(PRIVATE BILL.)

MR. BURRELL.

OTTAWA
Printed by C. H. PARMELEE
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1909

[NEW MATTER IS IN ITALICS.]

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 97.

An Act respecting Insurance.

[*Reprinted as amended by the Sub-Committee of the Banking and Commerce Committee.*]

SHORT TITLE.

1. This Act may be cited as the Insurance Act. Short title.

INTERPRETATION.

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

(*a*) "Minister" means the Minister of Finance; "Minister."

(*b*) "Superintendent" means the Superintendent of Insurance; "Superintendent."

(*c*) "company" means and includes any corporation or any society or association, incorporated or unincorporated, or any partnership carrying on the business of insurance; "Company."

(*d*) "Canadian company" means a company incorporated or legally formed in Canada, for the purpose of carrying on the business of insurance in Canada, and which has its head office therein; "Canadian company."

(*e*) "agent" means the chief agent of the company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he is designated; "Agent."

(*f*) "agency" or "chief agency" means the principal office or place of business of the company in Canada; "Chief agency."

(*g*) "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."

(*h*) "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; "Canadian policy." "Policy in Canada."

(*i*) "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; "Canadian policy."

(*j*) "license" includes certificate of registration; 'License."

(*k*) "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; 'Policy."

(*l*) "president," as regards a company other than a Canadian company, means and includes the chairman, governor, manager or other principal officer thereof; " President."

"Secretary." (*m*) "secretary" means and includes the officer by whom the usual duties of a secretary are performed;

"Guarantee insurance." (*n*) "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;*

"Accident insurance." (*o*) "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;*

"Plate glass insurance." (*p*) "plate glass insurance" means insurance against the breakage of plate or other glass, either local or in transit;

"Steam boiler insurance." (*q*) *"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;*

'Inland transportation insurance." (*r*) "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;

''Sickness insurance." (*s*) "sickness insurance" means insurance against loss through illness not ending in death, or disability not arising from accident or old age;

"Burglary insurance." (*t*) *"burglary insurance" means insurance against loss or damage by burglary, theft, or house-breaking;*

"Sprinkler leakage insurance." (*u*) *"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;*

"Bond insurance." (*v*) *"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;*

"Automobile insurance." (v^1) *"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 insurance against loss or damage to an automobile by accident, burglary or theft;*

"Industrial insurance." (v^2) *"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 payhble; but this paragraph shall not apply to life insurance undertaken by companies licensed under section 114 of this Act, nor to policies issued by such companies;*

"Annual statement." (*w*) "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;

(*x*) "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; "Policy holder in Canada."

(*y*) "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. "Policyholder."

(*z*) *"officer" means and includes the manager, secretary, treasurer, actuary and any other person designated as "officer" by the by-laws of the company.* Officer.

APPLICATION OF ACT.

3. The provisions of this Act shall not apply,— Application of Act.

(*a*) *to any contract of ocean marine insurance effected in Canada by any company authorized to carry on within Canada the business of ocean marine insurance;* Ocean marine insurance.

(*b*) 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.

(*c*) to any company incorporated by an Act of the legislature of the late province of Canada, or by any 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, Companies under provincial Acts.

(*d*) 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, Societies.

(*e*) 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, Associations in connection.

(*f*) to any society or organization exempted, under this section, by the Treasury Board from the provisions of this Act. Exemptions.

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 the 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 Societies for fraternal, or benevolent purposes. Exceptions.

kinds of insurance formed in connection with such society or organization and exclusively from its members, and which insures such members exclusively.

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.

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 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.

Business not to be carried on without license.

4. No company or person, except as hereinafter provided, shall accept any risk or issue any policy of fire or inland marine insurance, or policy of life insurance, or grant any annuity on a life or lives, or receive any premium, or carry on any business of life or fire or inland marine insurance, in Canada, and no company shall prosecute or maintain any suit, action or proceeding, either at law or in equity, or file any claim in insolvency relating to such business, without obtaining a license from the Minister to carry on such business in Canada.

Deposit for 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.

Name of company

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.

Form of license.

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.*

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 expedient; provided that such license may be from time to time renewed for any term less than a year.* Duration.

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. Provided also that* License not granted for life and other insurance to same company.

in the case of the Phœnix Assurance Company, Limited, a company incorporated under the laws of the United Kingdom and authorized by its charter to carry on the business of fire and life insurance, which company has since one thousand eight hundred and sixty-eight carried on in Canada the business of fire insurance and to which company has been transferred the business and undertaking of the company known as Pelican and British Empire Life Office, incorporated also under the laws of the United Kingdom (which company was at the time of such transfer carrying on in Canada the business of life insurance),

a license may be granted to said Phœnix Assurance Company to carry on the business of fire and life insurance.

2. A license may be granted to a company to carry on,— Combined classes.

(*a*) *fire insurance, cyclone or tornado insurance, inland marine insurance and inland transportation insurance; or,* Four 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,* Five classes.

(*c*) *accident insurance, sickness insurance, plate glass insurance, steam boiler insurance and automobile insurance; or,* Five classes.

(*d*) *guarantee insurance, bond insurance, credit insurance and burglary insurance.* Four 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,— Combined classes.

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

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

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,—

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;

Four classes.

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

Minor branches.

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.

License not granted where charter authorizes excess of classes.

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 the provisions of the last preceding section: Provided that any company incorporated elsewhere than in Canada, regardless of its corporate powers, having 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,

Exception.

(*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

(*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

(*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,

(*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;

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.

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

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. Amount of excess.

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 clause (c) of subsection 1 of section 3 of this Act, regardless of the corporate powers of such company, and such license shall authorize the transaction of only one class of business or, if more than one, then such as may be combined under the provisions of section 8 of this Act.* License to provincial company.

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.* No license to individual underwriters. Exception as to associations formed on Lloyds' plan.

13. *Contracts of accident and sickness insurance or contracts of fire, inland marine 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.* What contracts may be included in one policy.

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 In case of limited license.

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.

Accepting other securities.

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.

Further deposit if value declines.

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.

Failure to make.

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.

Further deposit at option of company.

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.

How dealt with.

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 policyholders 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.

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 so to do within sixty days after being notified, he shall withdraw its license. 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 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. Deficiency of assets—life insurance. Failure to make good.

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.* Assets in case of foreign company.

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.* 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 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 7 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. Companies excepted from this section.

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 Decreasing deposit.

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.

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.

Documents to be filed.

Filing of documents.

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

Copy of charter.

(*a*) a copy of the charter, Act of incorporation, or articles of association of the company, certified by the proper officer in charge of the original thereof: *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;*

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 hereinbefore 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.

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.

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.

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.

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.

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.

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.

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.

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 information as is deemed necessary by the Minister *or the Superintendent* from time to time.

Life companies.

31. In the case of 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 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.

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 ten, by the same officers, under their oaths, and deposited in the office of the Superintendent 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.*

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 office of the Superintendent, 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.

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

Fire and inland marine companies.

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

Other companies.

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

Statements to be sworn.

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.*

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: Provided, however, that any such change made by the Superintendent shall be subject to alteration or cancellation by the Minister.*

Form of statements during 1909.

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 nine 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.*

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.

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.

Idem.

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.

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 office of the Superintendent 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.

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 office of the Superintendent 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 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.

General statement.

Variation.

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.

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 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.*

Fewer required in some cases.

Examination of books at head office in foreign country.

2. 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.

36. *Every life insurance company shall deposit in the office of the Superintendent not later than the first day of April in each year a gain and loss exhibit which shall show the sources of the increase and decrease in the surplus of the company during the year covered by the last annual statement in accordance with the requirements contained in blank forms supplied by the Superintendent: Provided that in the case of British companies, such exhibit may form a portion of and be deposited at the same time as the statement of general business above required to be deposited under the provisions of section 33 of this Act: Provided further that any such British company may furnish such gain and loss exhibit at the time when the periodical investigation of such company is made; and in the event of the interval between two periodical investigations being greater than one year, such company may furnish a gain and loss exhibit which may be based upon an approximation.* Gain and loss exhibit.

2. *This section shall not apply to companies not actively engaged in the transaction of new business.* Exception.

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.

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.

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, and value at which they are received as deposit; 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, Visit head office.

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.

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.

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.

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.

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.

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.

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.

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 expressed 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. 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 Healthy Males (H^M) Mortality Table of the Institute of Actuaries of Great Britain, 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 ten, be based on the said mortality table and a rate of interest of four and one-half per cent per annum; and on and after the said last mentioned date, 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 said 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.

4. *In this and the next succeeding 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.* Valuation of annuity contracts.

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 Institute of Actuaries table and a rate 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 table 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. 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 consideration of the matter and after a reasonable time has been given to the company to be heard by the board, may,—

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.

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.

Valuators may be appointed.

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, valuators 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.

Inquiries from company and reply.

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.*

Suspension of license for violation of Act.

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.

Issue of unauthorized policy a violation.

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.

Examination at head office of foreign company.

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.

Company refusing examination.

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.

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 office of the Superintendent, 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.

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.

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,—

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,

By by-law o 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,

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;

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.

Amalgamation, transfer of business and reinsurance.

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 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.*

By life companies.

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 company.*

Sanction of Treasury Board.

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 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.

Notice of application to board.

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

(*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 reinsurance is proposed to be effected; and,*

(*c*) *copies of the actuarial or other reports upon which such agreement is founded,*

shall in case of transfer or reinsurance be served on the shareholders and on the holders of all policies other than industrial policies of the transferred or reinsured company.

Service on policyholder.

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.

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.

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.*

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.*

No company with impaired capital to amalgamate.

7. *No company which has an impaired capital 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.*

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:—*

(*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.*

Sanction of Treasury Board essential.

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.*

Proviso.

Provided, however, that this section shall not apply to the contracts of reinsurance made by companies in the ordinary course of their business.

Reinsurance by unlicensed company.

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.*

Limitation of Expenses.

Additional commissions.

53. *No Canadian life insurance company licensed under this Act, nor any person, firm or corporation on its behalf, shall 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. All bonuses, prizes and rewards, and all increased or additional commissions or compensations of any sort based upon the volume of any new business, or upon the aggregate of policies written or paid for, are prohibited. Save that a company may make a sliding scale contract with an agent for a term not less than one year to give a commission or remuneration reasonably based upon the volume of the business of the agent for the year or for each year of the contract.*

Advances to agents.

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 in respect of premiums for the first year of insurance but not in respect of premiums for the second or subsequent years.*

2. *This section shall not apply to expenses incurred in the business of industrial insurance.*

Salaries of officers and agents.

55. *No salary, compensation or emolument shall be paid to any director of any such life insurance company unless authorized by a vote of the shareholders. No salary, compensation or emolument shall be paid to any officer or trustee of any such company,*

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 such payment is first authorized by a vote of the board of directors.

Salary agreement, for not more than 10 years.

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

Commissions to agents only.

57. *No such 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.*

Pension fund may be created.

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.

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 Parliament. 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 in Canada permitted by this Act. Any provision in any Special Act or elsewhere conferring upon any company within the legislative power of Parliament 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 Act, 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 Act comes into force, unless such loans or investments are 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 Act 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 Act 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 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 ten.*

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;*

Bonds secured by mortgage.

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

Debentures.

(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,*

Preferred stock.

(iii) *The preferred or guaranteed 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 or guaranteed stocks; or,*

Common stock.

(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 twenty per cent of the common stocks and not more than twenty 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,*

Real estate mortgages.

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

(*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.

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

(*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 thereon for more than sixty per cent of the sale price of such real estate.*

3. The Treasury Board may authorize the acceptance by a company in payment or part payment for securities sold by it, of bonds, stocks or debentures not fulfilling the foregoing requirements of this section. Other securities authorized by Treasury Board.

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. No loan to director or officer.

5. This section shall take effect on the first day of January, one thousand nine hundred and ten. When section in force.

60. *Any such life insurance company may deposit outside of Canada such portion of its funds 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.* Deposits outside 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. Securities to be held in Canada.

61. *Except for the* bona fide *purpose of protecting investments previously made by it 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.* Interest of officers in 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* Underwriting restricted.

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.*

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

Deposits outside of 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: Provided that all other securities of such company shall be held at the head office of the company or elsewhere in Canada.

Securities to be held in Canada.

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 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.

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.

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.

Company may hold 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 *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided that no parcel of land or interest therein, at any time acquired by such company and not required

Limitation as to time.

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 acquisition 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.

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.

Appraisement of real estate by direction of Superintendent.

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 valuators, 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 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 Superintendent.

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.

Default in depositing with Superintendent annual tatement.

69. Every company which makes default in depositing in the office of the Superintendent the annual *and other* statements herein provided for, *including the gain and loss exhibit mentioned in section 36 hereof*, shall incur a penalty of ten dollars for each day during which such default, neglect or refusal continues.

Penalty.

Recovery of penalty.

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 office of the Superintendent.

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

Penalty for

70. *Except as provided in section 139 of this Act, every person who,—*

Delivering policy.

(*a*) *solicits insurance or delivers any policy of insurance or interim or renewal receipt of; or,*

Collecting premium.

(*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 of; or,*

Carrying on insurance business.

(*c*) *inspects any risk or adjusts any loss or carries on any business of insurance on behalf of any individual underwriter or underwriters or any insurance company, without the license provided for by this Act in that behalf or after such license has been revoked or suspended; and*

Doing business after suspension.

2. *Every person who after publication in the Canada Gazette of notice of the suspension or cancellation of the license of any company or Lloyd's Association of individual underwriters, delivers any policy of insurance, collects any premiums, inspects any risk, adjusts any loss, or transacts any business of insurance on behalf of such company or Lloyd's Association of individual underwriters; and*

Officers of assessment insurance companies.

3. (*a*) *Every director, manager, agent, or other officer of any assessment life insurance company subject to the provisions of Part II of this Act which carries on business without being licensed or registered; and*

Agents.

(*b*) *Every person who transacts any business of insurance on behalf of any such company which so carries on business without being licensed or registered; and*

Persons using application or policy.

(*c*) *Every director, manager, agent, or other officer of such company, and every other person transacting business on behalf of any such company, who circulates or uses any application, policy, certificate, 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.

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,—

(*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.

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.

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.

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.

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.

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 com-* Voting by proxy: companies other than life.

pany other than a life insurance company within the legislative power of the Parliament of Canada.

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.

Proxy must be used within 2 months of execution.

4. A proxy shall not be valid unless executed within three months prior to the meeting at which the same is to be used or at any adjournment of such meeting, and may be revoked by the giver thereof at any time prior to its being used.

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 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.*

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.

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.

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 and until reversed or modified by the said court.

Expiry of Charters.

Charter expires unless license obtained.

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.

Time limit.

Reduction and Increase of Capital.

Reduction of capital by by-law.

79. *The directors of any company which derives its corporate powers from an Act of the Parliament of Canada or which is sub-*

ject 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 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 bejore the company can commence business, or,

(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.

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.

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.

80. *The directors may—*

Increase of capital.

(a) from time to time out of the profits of the company, 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,

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.

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.*

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.*

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.

Policy deemed whole contract.

84. *From and after the first day of January, one thousand nine hundred and ten, every policy delivered in Canada by any life insurance company under the legislative jurisdiction of Parliament 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 such portions of the application as are material to the contract, or any other writing, unless they are endorsed upon or attached to the policy when issued.*

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

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.*

Estimates and misrepresentation forbidden.

86. *After the first day of January, one thousand nine hundred and ten, 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.*

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 any return of premiums, or in the dividends or other benefits 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 valuable consideration or inducement whatever not specified in the contract of insurance; 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.*

Rebates, discrimination, etc., forbidden.

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.

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.

Exception in cases prior to Act.

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 rebating, 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.

Penalty for permitting rebates, etc.

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 office of the Superintendent *and the other half to the person suing.*

Rebates, etc., and disposal of penalty.

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.

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 ten, that the proportion of the surplus accruing upon such policy shall be ascertained and distributed at intervals not greater than quinquennially.*

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 ten, 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.*

Option of policyholder.

91. *Except in the case of a term or an industrial policy, the share of surplus allotted to any policy issued on or after the first day of January, one thousand nine hundred and ten, 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 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.*

Notice to policyholder.

92. *Such company shall in all cases where the insured has not elected in his application 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 shall fail 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.*

If he does not make election.

Quinquennial apportionment of profits.

93. *From and after the first day of January, one thousand nine hundred and ten, 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 ten, which*

provide for the distribution of surplus or profits at less frequent intervals than quinquennially and known as deferred 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 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.*

Proceedings to be instituted by Attorney General.

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—

(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.*

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 said* Winding-up Act, *other than Part III. thereof, or after the company has become subject to the provisions of said* Winding-up Act, *pursuant to section 160 of the said Part III.*

Form of policy to be approved.

95. *On and after the first day of January, one thousand nine hundred and ten, 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:—*

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;*

Incontestability after 2 years.

(*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 thirty 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.*

(*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.*

Policy and endorsement to be entire contract.

(*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;*

Age understated.

(*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;*

Lapsed policies.

(*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;*

Loan on policy.

(*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: 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 thereof;*

Table of surrender and loan values.

(*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 instalments.

(*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;*

(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 in 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.* Renewal of policy.

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. 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. Exceptions.

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 ten, keep separate and distinct accounts of participating and non-participating business.* Separate accounts of participating and non-participating business.

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.* Action of policyholders against foreign company.

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.* Companies having capital stock.

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. Application.

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 two-fifths of the total number so to be elected. 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 seven nor more than sixteen directors, all of whom shall hold office for one year but 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. Shareholders' and Policyholders' directors to be elected.

Manager may be a director.

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.

Qualifications for shareholders' director.

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.

One vote for each share held.

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. Every proxy representing a shareholder must be himself a shareholder and entitled to vote.

Every holder of participating policy of $2,000 a member.

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 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 proxy representing a participating policyholder shall be himself a participating policyholder and entitled to vote. 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.

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.

Annual meeting.

11. Notice of the annual meeting shall be given by printed notice to each of the shareholders and 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 policyholders entitled to vote, 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 policyholders entitled to vote respectively may vote for and elect the number of directors to be by them respectively elected at such annual meeting.

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.

Proxy.

13. A 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.

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.

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.

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.

Winding-up old business.

Deposit, how dealt with.

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.

Transfer or surrender of policies by companies wishing to cease business.

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.

Utilizing trust funds.

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.

List to be placed with Minister.

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.

Notice in *Canada Gazette.*

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.

Securities in case of transfer.

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.

Tender to policy-holders.

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.

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.

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 at least thirty days previously to the day named in such notice;

List in news apers.

(*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 the like effect, shall be sent by mail, postpaid or franked, from the office of the Superintendent 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.

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 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.

Neglect may be waived.

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 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.

Surrender, values, how determined.

Expenses of valuation.

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

Special arrangements.

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 respect of such policy.

Action on proof.

Provincial Company ceasing to do business outside its own Province.

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 office of the Superintendent, 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 office of the Superintendent 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 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 to such transfer, in which case also, upon proof being filed in the office of the Superintendent 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.

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.

Reserve necessary to cover liability.

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,—

Calculation as to policies after January 1st, 1900.

(*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 prior to January 1st, 1900.

(*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 ten, employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding four and one-half per cent per annum; on and after the first day of January, one thousand nine hundred and ten, and 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 after January 1st, 1910.

Calculation after January 1st, 1915.

Minister may cause calculation to be verified.

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, in the opinion of the Minister, it differs materially from the return made by the company, may be substituted in the annual statement of assets and liabilities.

Particulars to be furnished.

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 an amount at the rate of three cents for each policy or bonus addition so computed, which amount he shall pay over to the Minister.

Superintendent required to compute.

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.

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.

Basis of Valuation after January 1st, 1910.

British offices $O^{M(5)}$.

111. *On and after the first day of January, one thousand nine hundred and ten, this Act shall be read and construed as if the words, figures and symbols "British Offices Life Tables, 1893, $O^{m(5)}$," were substituted for the words and symbols "Healthy Males (H^m) Mortality Table of the Institute of Actuaries of Great Britain," wherever the latter occur therein.*

Assessment Life Insurance Companies.

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.

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.*

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, 36, 42, 84 and 85 thereof.*

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.

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

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.

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;

(*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.*"

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.

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.

Clause stating where action brought.

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.

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 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 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 in Canada after the said date, 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.

Exemption from assessment provisions.

2. Such company shall, as to such policies, be exempt from all special provisions and conditions imposed by this Act upon asesssment 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.

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.

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.

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.

PART III.

FIRE AND INLAND MARINE INSURANCE.

Application of Part.

Fire and inland marine.

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

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.

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 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.

Company ceasing business to reinsure.

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.

Delivery of securities.

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.

Application for 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 *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. Steps to be taken.

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. 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.

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. 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 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.* Computation for annual statement.

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.* Premium note business.

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 the first subsection 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—

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.

Preferential dividends.

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.

"Surplus" defined.

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.*

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 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.

Appropriation of profits for surplus.

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.*

Rebating prohibited.

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.*

Penalty for rebating, 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 the Insurance Act to carry on the business of fire 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.

Penalty for permitting rebates, etc.

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 office of the Superintendent and the other half to the person suing.

Rebates, etc. and disposal of penalty.

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.

Offenders not to be indemnified out of funds of company.

139. *Notwithstanding anything herein, any person may insure any commercial or manufacturing property situated within Canada with any foreign unlicensed mutual fire insurance company or reciprocal underwriters, and may cause or procure the inspection of the risk and adjustment of any loss incurred in respect thereof,—*

Insurance in unlicensed companies.

(1) *if, prior to the inspection of the risk and his effecting such insurance, he gives notice in writing to the Superintendent of his intention to effect such insurance, describing briefly the property to be insured, and naming the proposed insurer;*

(2) *if, for each year in which he holds a policy of any such foreign unlicensed insurer covering property in Canada, he makes a return to the Superintendent setting forth the names of all such unlicensed insurers whose policies covering property in Canada he has held during the period covered by the return, the location and description of the property covered, the amounts of such policies respectively, the net cost to him of the insurance represented by the said policies for the policy year or other shorter term of each policy terminated during the calendar year covered by the return, and the amount received by him from the said insurers in respect of losses under the said policies,—such return to be made by delivering or mailing it in a registered letter addressed to the Superintendent not later than the the first day of March in each year, for the year ending on the preceding thirty-first day of December;*

(3) *if he pays to the Minister a sum equal to fifteen per cent of the total net cost to him of all the insurance mentioned in the return referred to in paragraph (2) hereof, but not to exceed in any case fifteen cents for each one hundred dollars of insurance for one year, or a proportionate sum for any longer or shorter period, and*

(4) *if each of such unlicensed insurers furnishes to the Superintendent, at his request, not later than the day named in paragraph (2) hereof, a statement duly verified in such manner as the Superintendent directs, showing as at the end of the last financial year of such insurer the total assets and total liabilities of such insurer, and the total amount at risk and also the liabilities and amount at risk in Canada, the total income, total expenses and total amount paid for losses during its last preceding financial year, distinguishing between Canada and elsewhere.*

2. Default in compliance with the requirements of paragraphs (1), (2) and (3) of subsection 1 hereof, or any of them, by the insured shall render this section, as to such insured person and his agents and representatives, inoperative, and as if it had not been enacted.

3. Default in compliance with the requirements of paragraph (4) of subsection 1 hereof by such unlicensed insurer shall render this section, as to such unlicensed insurer and his agents, representatives, inspectors or adjusters, wholly inoperative, and as if it had not been enacted.

4. The Minister shall pay and apply towards the expenses of the office of the Superintendent such portion of the sum received by him under paragraph (3) of subsection 1 hereof as he deems expedient, and shall apply the balance thereof for the use of Canada.

5. The Superintendent shall embody in his annual report to the Minister the returns and statements mentioned in this section, or a synopsis thereof.

PART IV.

INSURANCE OTHER THAN LIFE, FIRE OR INLAND MARINE.

Licenses.

140. *This Part applies to companies carrying on business of insurance other than life, fire or inland marine 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.

144. *Any company which is within the legislative power of the Parliament of Canada having power and being at the time this Act goes into effect licensed to guarantee the fidelity of persons in positions of trust may, upon making such further deposit and upon complying with such terms as may be fixed and prescribed by the Treasury Board on the report of the Superintendent and upon being duly licensed for that purpose, carry on the business of guarantee insurance, as defined in section 2 of this Act.* Guarantee insurance

145. *Any company which is within the legislative power of the Parliament of Canada having power and being at the time this Act goes into effect licensed to insure against bodily injury and death by accident may upon making such further deposit and upon complying with such terms as may be fixed and prescribed by the Treasury Board upon the report of the Superintendent and upon being duly licensed for that purpose, carry on the business of accident insurance, as defined in section 2 of this Act.* Accident insurance.

PART V.

PROVISIONS APPLICABLE TO COMPANIES HEREAFTER INCORPORATED BY PARLIAMENT.

Application of Part.

146. *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.

Directors.

2. The provisions of this Part, other than those of section 147, 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.

3. The provisions of this Part, other than those of section 147, 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.

147. *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.

Calls on shares.

(6) The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent and no subsequent instalment shall exceed ten per cent, and not less than thirty days notice of any call shall be given.

Commencement of business.

(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 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 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 by such shareholder be reckoned as part of the sum required to be paid thereon as in such special Act provided.

Annual meeting.

(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 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.

Re-insurance.

(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.

Directors, their election, duties and powers.

Two classes of directors

148. *(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 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.*

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 the 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.

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 seven nor more than sixteen directors, who shall hold office for one year but shall be eligible for re-election.

Directors of life company.

(*d*) *In the case of a life company there shall be elected at the first annual meeting and at each subsequent annual meeting not less than four 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 such 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 two-fifths of the total number to be so elected. 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 seven nor more than sixteen directors, all of whom shall hold office for one year, but 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.*

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* $2,500 *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 proxy representing a shareholder must be himself a shareholder and entitled to vote.*

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 proxy representing a participating policyholder shall be a participating policyholder and entitled to vote. 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.*

Elections.

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

(*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.

(*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.

(*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.

(*o*) *A 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.* Proxy.

(*p*) *In the case of any life company which does not issue participating policies the foregoing provisions of this section shall be read and construed as if the word "participating" were eliminated therefrom.* Participating policyholders.

(*q*) *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.

(*r*) *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.

149. 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.

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

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

(*b*) the declaration and payment of dividends; 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;

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;

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.

151. 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.

Confirmation necessary.

Capital Stock, Calls, and Increase of Capital.

Stock to be personal estate.

152. 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.

Allotment of stock.

153. 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.

154. 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.

Interest on amount unpaid.

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.

Forfeiture of shares for default in paying calls.

155. 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.

Forfeited shares go to company.

2. Such shares shall thereupon become the property of the company, and may be disposed of as the directors by by-law or otherwise prescribe.

Restriction as to transfer.

156. 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.

157. *No salary, compensation, or emolument shall be paid to any director of any such insurance company unless authorized by a vote of the shareholders. No salary, compensation, or emolument shall be paid to any officer or trustee of any such company, 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 such payment is first authorized by a vote of the board of directors.*

Salaries of directors and officers.

Books of the Company.

158. 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.

159. The directors may allow or refuse to allow the entry in any such book, of any transfer of stock whereof the whole amount has not been paid.

Powers of directors as to entries of transfers.

160. 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.

161. 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.

162. Every director, officer or servant of the company who knowingly makes or assists in making any untrue entry in any

Entries falsely made or neglected.

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.

Penalty.

Neglect to permit inspection. Penalty.

163. 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.

Liability of shareholder to creditors.

164. 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.

Limit of liability.

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.

Limitation of liability of shareholders.

165. 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.

Trustees not personally liable.

Estate liable.

166. 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.

Pledgeor only 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 the same and shall be liable as a shareholder accordingly.

Meetings and Voting.

Arrears prevent voting.

167. No shareholder who is in arrear in respect of any call shall vote at any meeting of the company.

Notice of general meetings.

As may vote as shares.

Proxies.

168. 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.

169. 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.

170. 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.

171. 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.

172. 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.

173. 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 Liability of directors declaring and paying dividends when company is insolvent.

Exoneration from liability.

director then absent does, within twenty-four hours 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.

Liability of directors for transfer of shares.

174. 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 twenty-four hours 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 hi self from such liability.

Exoneration from liability.

Liability in case of loans by company to directors or officers.

175. If any loan is made by the company to any *director, officer or clerk 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.

Liability of directors for wages unpaid.

176. 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, 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 *clerk or* servant is returned unsatisfied in whole or in part.

Limitation as to time.

Amount recoverable.

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

Use of Funds.

No loan to directors, or officers.

177. *The* company shall *not* loan any of its funds to any *director, officer or clerk thereof, except that a life insurance company*

may lend to any director, officer or clerk thereof on the securtiy of the company's own policies.

Purchase of stock in other companies.

178. *The* company shall *not* use any of its funds in the purchase of stock in any other corporation unless in so far as such purchase is authorized by *this* Act and also by the Act creating such other corporation.

Procedure.

Enforcement of payments of calls.

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

Form of action.

180. 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.

181. 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.

182. Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Winding-up Act to apply

183. 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.

184. 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.

Books of company *prima facie* evidence.

185. 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 against the company, or against any shareholder, be *prima facie* evidence of all facts purporting to be therein stated.

Proof of being a shareholder.

186. 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.

Cost of Incorporation.

Cost of incorporation chargeable to shareholders.

187. *The entire cost of procuring the incorporation and subscriptions for stock shall be charged directly to the account of the shareholders 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.*

Declaration of Profits.

P ofits from participating policies.

188. *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 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 at the average net rate of interest earned in the preceding year or other period under consideration upon the total funds of the company invested and uninvested, such shareholders to be however charged with a fair proportion of all losses incurred upon investments or other losses of a similar character.*

Surrender of policy.

189. *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.*

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 company and the insured. To be inserted in policy.

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.

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. Policy to be continued in force

PART VI.

REPEAL.

190. *The Insurance Act, chapter 34 of the Revised Statutes, 1906, and all other Acts and parts of Acts passed by the Parliament of Canada relating to companies within the legislative power of the said Parliament inconsistent with the provisions of this Act are repealed. Provided that the Acts passed by the Parliament of Canada relating to the Supreme Court of the Independent Order of Foresters, The Grand Council of the Catholic Mutual Benefit Association of Canada, and the Canadian Order of the Woodmen of the World shall not be affected by the provisions of this Act.* Repeal

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) .....

I.—CAPITAL.	$	cts.
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 Susbcribed 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*). $.....		
6. Amount of loans made to policyholders on the Company's policies assigned as collaterals.....		
7. Premium obligations on the policies in force, the reserve on each policy being in excess of all indebtedness thereon.....		
8. (*a*) Value in account of bonds, debentures and debenture stocks owned by the Company.....		
(*Details of par, ledger and market value, date of maturity and rate of interest of each kind to be given in a separate schedule.*)		
8. (*b*) Value in account of stocks owned by the Company (*details to be given*).....		
9. Cash at head office.....		
10. Cash in banks (*with details*).....		
11. Bills receivable.....		
12. Agents' ledger balances.....		
13. All other ledger assets (*details in separate schedule*).....		
Total ledger assets.....		
Other Assets.		
14. *Market value of stocks, bonds, debentures, &c., over value in account.		
15. Due from other companies for losses or claims on the Company's policies reinsured.....		
16. Interest due (*with details*).....$.....		
" accrued (*with details*).....		
Total carried out.....		
17. Rents due.....$.....		
" accrued.....		
Total carried out.....		

	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'.		

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.
III.—Liabilities.		
1. 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	

——	$	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 from 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.....$.....		
5. Total net premium income.....		
6. Cash received for interest or dividends on stock, &c.....		
7. Cash received for rents.....		
8. *Net cash received as profit on securities actually sold.....		
9. Cash received by way of premium upon Capital Stock.....		
10. All other income (*with details*).....		
11. Total.....		
12. Cash received for calls on Capital.....$.....		
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 ..... *(If any of the items in 1 and 2 accrued in previous years state the amounts. Also state the amounts of any reversionary bonuses.)*		
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 prem		
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		

NOTE—*A separate statement is required showing the remuneration of each of the directors, trustees, officers, agents or other employees of the Company, in all cases where such remuneration is equal to or in excess of* $4,000 *giving the name of each such officer. For purposes of such statement, the term 'remuneration' includes salary proper, fees, commission or other payment or allowance, and there should also be shown separately the amount paid to each such person by way of travelling expenses. Where an agent employs subagents to whom a portion of the moneys received by him is paid, a foot-note is to be added to the schedule distinguishing such agents from other agents mentioned therein.*

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	$

VI.—Premium Note Account.	$	cts.
1. Premium obligations on hand at commencement of year		
2. Premium obligations received during the year		
Total		
3. Deductions during the year, viz.:—		
Amount of obligations—		
(1) Used in payment of claims $		
(2) Used in purchase of surrendered policies		
(3) Used in payment of dividends to policy holders		
(4) Voided by lapse		
(5) Redeemed in cash		
Total deductions		
Balance, note assets at the end of the year		
In the following items instalment policies and policies with deferred payments should be entered at their commuted value.		
VII.—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 $		

Note.—A Gain and Loss Exhibit will also be required, the form thereof to be determined by the Superintendent.

VIII.—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.

VIII.—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				

ITEM 1.—

DETAIL 1.

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

1. Whole Life Assurances in force:—
   (*a*) With Profit Assurances:

	No. of Polices in Force.	Amount in Force.	Value.
Gross number and amounts	.....	.....	.....
Less re-insured.....	.....	.....	.....
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 $O^{m[5]}$ 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, 3½ and 4½ years, respectively, must be furnished.)

DETAIL 2.

1. Give separately the amounts held to the credit of deferred dividend policies in accordance with the requirements below specified:

Class of Policy. (As Whole Life, 20 Payment Life, &c., each class separately.)	Year of Issue.	Deferred Dividend Period.	No. of Policies in Force.	Amount in Force.	Amount held awaiting Distribution.

DETAIL 3.

A.

POLICIES IN FORCE, DECEMBER 31, 19.....

(1) Age of Issue.	(2) Amount of Policies.	(3) Office Premiums on amts. in Col. (2).	(4) Net Premiums on amts. in Col. (2).	(5) Loadings for assumed extra mortality (as on Tropical and Sub-standard risks).	(6) Net loading, being Col. (3) less total of Cols. (4) and (5).
		(Each Plan Separately.)			

DETAIL 4.

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. Give the present value of the Loading included in the future Office Premiums collectable on policies in force at the date of return: such present value to be given separately for each class of business referred to in the detail of Actuarial Liabilities, and the basis of calculation to be clearly stated.

(*For purposes of this section, the loading shall consist of the excess of the Office Premium over the Net Premium as ascertained upon the basis employed in the calculation of Actuarial Liabilities.*)

3. 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 5.

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 THREE 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.

(*c*) COLLATERAL LOANS MADE.

Description of Collateral taken.	To whom made.	Time.	Rate of Interest.	Par Value.	Market Value.	Amount of Loan.

(*d*) [The Total Amount invested in Mortgages during the quarter must also be given; and also, separately, the Total Amount Loaned upon Policies.]

(*e*) BONDS, STOCKS AND DEBENTURES SOLD.

Description of Bond.	To whom sold.	When sold.	Commission paid, (if any).	Rate of Interest.	Date of Issue.	Date of Maturity.	Par value.	Value in account.	Price, or other consideration received.

(*f*) REAL ESTATE SOLD.

Short Description of Property.	To whom paid.	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 REPAID.

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 quarter 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:	Commenced business in Canada:
(date).....	(date).....

I.—CAPITAL.	$	cts.
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, page* 21.)		
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*). $.....		
6. Value in account of bonds, debentures and debenture stocks owned by the Company.....		
(*Details of par, ledger and market value, date of maturity and rate of interest of each kind to be given in a separate schedule, page* 22.)		
7. Value in account of stocks owned by the Company (*details to be given, page* 24).....		
8. Cash at head office.....		
9. Cash in banks (*with details*).....		
10. All other ledger assets (*details in separate schedule*).....		
Total ledger assets.....		
Other Assets.		
11. *Market value of stocks, bonds, debentures, &c., over value in account.		
12. Interest due (*with details*).....$.....		
" accrued (*with details*).....		
Total carried out.....		
13. Rent 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.....$.....		
Deduct amount paid thereon.....		
Balance carried out.....		
19. All other property belonging to the Company, with a detail thereof in a separate schedule.....		
20. Gross amount of all the Assets of the Company.....		
21. Amount which should be deducted from the above Assets on account of bad and doubtful debts and securities, viz:—		
From item No....$.....; No....$.....; No....$.....; No....$.....; No....$.....; No....$.....; No....$.....		
Total deductions.....		
22. Aggregate amount of all the Assets of the Company, stated at their actual value.....		

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

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.

	$	cts.
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 Navigation and Marine (Ocean) losses in Canada		
6. ‡Gross Premiums received and receivable upon all unexpired (not reinsured)		
Fire risks in Canada, $		
Reserve of Unearned Premiums thereon *pro rata* 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		

* 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.
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 giving therefor, and the rate of interest payable..		
(Detail 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..		
(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 of above of unsettled claims for Fire, Inland Navigation 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 *pro rata* 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.		
10. Due and accrued for salaries, rent, advertising, agency and other miscellaneous expenses.....		
11. (1) Amount of money borrowed, stating amount of each loan separately, the security given therefor, and the rate of interest payable.		

* After deducting reinsurance and salvage.
† If any of these accrued previous to 19 , state the amounts.

———	$	cts.
(*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 statement 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.....		

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	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.
		$	$ cts.	$	$ cts.	$	$ cts.		$ cts.
19	One year or less							$\frac{1}{2}$	
19	Two years							$\frac{1}{4}$	
19	Two years							$\frac{3}{4}$	
19	Three years							$\frac{1}{3}$	
19	Three years							$\frac{2}{3}$	
19	Three years							$\frac{5}{6}$	
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) *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.	
(1) *For Fire Risks.*	$	cts.	$	cts.
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 said 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.	
(1) *For Fire Risks.*	$	cts.	$	cts
5. Gross cash received for said Premiums.....				
*6. Deduct reinsurance, rebate, abatement and return Premiums.....				
7. Total net cash received during year for I. N. Premiums.....				
(3) *For Marine (Ocean) 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 said 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.....				
(*Detailed statement in a separate schedule.*)				
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.

EXPENDITURE.

	IN CANADA.		IN OTHER COUNTRIES.	
(1) *For Fire Risks.*—Concluded.	$	cts.	$	cts.
1. Amount paid during the year for losses occurring in previous year (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 amount.
† 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.	
(1) *Fire Risks.*		$	$	cts.		$	$	cts.		$	$	
1. Policies in force (gross) at date of last statement												
2. Taken during the year—new												
" " renewed												
3. Total												
4. Deduct terminated (including renewed)												
*5. Gross in force at end of year												
†6. Deduct reinsured												
*7. Net in force at (*date*)												
(2) *Inland Marine Risks.*												
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*)												

* Details to be given in Schedules on pages and .
† 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.	
(3) *Marine (Ocean) Risks.*		$	$	cts.		$	$	cts.		$	$	cts.
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.

Real Estate Owned by the Company.

Description of Property.	Date Acquired.	Amount of Incumbrances.		Actual Cost.		Book Value.		Market Value.		Operations During 19 .							
										Expended for Repairs and Improvements on Capital Account.		Gross Income.		Taxes and all running Expenses.		Net Income.	
		$	cts.	$	cts.	$	cts.	$	cts.	$	cts.	$	cts.	$	cts.	$	cts.

Bonds and Debentures Owned

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.

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 QUARTERLY 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 (*a*) the bonds, stocks and debentures purchased by the company, (*b*) the moneys invested by the company on mortgage, (*c*) the real estate purchased by the company, (*d*) the bonds, stocks and debentures sold by the company, (*e*) the principal moneys received upon mortgages and consideration for mortgages sold by the company, and (*f*)

the real estate sold by the company with full and accurate particulars in each case as called for by said statement during three 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 Quarterly 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 seventh and one hundred and eighth sections of the Insurance Act, directed assets to be retained, sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus additions and accrued profits) which have not been transferred or surrendered or in respect of which opposition has been filed as provided by the said one hundred and seventh 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 seventh section of the Insurance Act, directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above company, including bonus additions and accrued profits, which have not been transferred or surrendered or in respect to which opposition has been filed as provided by the said one hundred and seventh 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*).

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

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* 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 covenant and agree 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.*

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 97.

An Act respecting Insurance.

[*Reprinted as amended by the Sub-Committee of the Banking and Commerce Committee.*]

MR. FIELDING.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 98.

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:—

1907, c. 15 repealed.

1. Chapter 15 of the statutes of 1907, intituled *An Act to amend the Exchequer Court Act*, is repealed.

Registrar.

2. There may be appointed a fit and proper person, who is a barrister of at least five years' standing, to be the registrar of the Exchequer Court.

Residence and rank.

2. The said registrar shall reside and keep an office in the city of Ottawa, and shall be classified and rank as an officer of subdivision A of the first division of the inside service in or under the Department of Justice.

Officers and clerks.

3. There may, from time to time, be appointed such other officers, clerks, stenographers and servants as the Governor in Council thinks necessary, and such officers, clerks, stenographers and servants at the seat of government shall be attached to and form part of the inside service in or under the Department of Justice.

Status of present registrar confirmed.

4. The status of the present registrar, as an officer of the said subdivision A from and after the first day of September, one thousand nine hundred and eight, at the salary for his first year of service as such officer of three thousand dollars a year, is hereby confirmed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 98.

An Act to amend the Exchequer Court Act.

First reading, March 8, 1909.

MR. AYLESWORTH.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 99.

An Act to amend the Railway Act.

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

1. Subsection 4 of section 254 of *The Railway Act* is repealed and the following subsections are added to the said section:— R.S., c. 37, s. 254 amended.

"4. Wherever the railway passes through lands within any village or township or union of townships settled or partly settled, the company shall, unless the Board otherwise orders or directs, erect and maintain such fences, gates and cattle-guards. If, in consequnece of the absence, without such order or direction, or the insufficiency of such fences, gates or cattle-guards, any animal is killed or injured by any railway company, the company shall be liable for all loss and damage sustained by the owner thereof. If lands are settled. Liability of company.

"5. The company shall not, however, be required to erect and maintain such fences, gates, and cattleguards in unsurveyed or unorganized territory beyond a distance of two miles from any village, township, or union of townships." In unsurveyed or unorganized territory.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 99.

An Act to amend the Railway Act.

First reading, March 8, 1909.

MR. CONMEE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 100.

An Act to amend the Adulteration Act.

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

1. Section 2 of *The Adulteration Act*, chapter 133 of the Revised Statutes, 1906, is amended by adding thereto the following paragraph:— R.S., c. 133, s. 2 amended.

"(*g*) 'stock food' means and includes every substance imported, manufactured, prepared or disposed of as a food for domestic animals, except flour, meal, bran, shorts or middlings free from admixture, which is sold for more than ten dollars per ton." "Stock food" defined.

2. Section 3 of the said Act is amended by adding thereto the following paragraph:— S. 3 amended.

"(*j*) if, in the case of a stock food sold for more than ten dollars per ton, it is not sold in packages, or is not tagged or labelled in a conspicuous manner, or if such package, tag or label does not give the percentage of fat and proteids and the name of the manufacturer." Adulterated stock food.

3. Section 31 of the said Act is amended by adding thereto the following paragraph:— S. 31 amended.

"(*c*) in the case of stock food, as described in paragraph (*j*) of section 3 of this Act, incur a penalty not exceeding two hundred dollars and costs, or three months' imprisonment, and for each subsequent offence a penalty not exceeding five hundred dollars and costs, or six months' imprisonment, or both." Penalty for adulteration of stock food.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 100.

An Act to amend the Adulteration Act.

First reading, March 9, 1909.

MR. SEXSMITH.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 101.

An Act to amend the Criminal Code.

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

1. Section 35 of *The Criminal Code* is amended by adding thereto the following subsection:— R.S., c. 146, s. 35 amended.

"2. Every peace officer who, on reasonable and probable grounds, believes that any person has in his custody or possession, or carries, any offensive weapon for any purpose dangerous to the public peace, is justified in arresting such person without warrant and requiring him to submit to being searched for such weapon either by the said peace officer or at the nearest police station or before the nearest justice of the peace, at the option of the person so arrested, whether such person is guilty or not." Arrest and search without warrant of any person believed to possess or carry offensive weapons.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 101.

An Act to amend the Criminal Code.

First reading, March 9, 1909.

MR. STEWART.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 102.

An Act to incorporate the London and North Western Railway Company.

Preamble.

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

Incorporation.

1. Donald A. Stewart, of the city of London, Alfred J. Stoner, of the village of Fernhill, Thomas G. Turnbull, of the village of Komoka, Thomas E. Pound, of the city of London, John C. Knapton, of the town of Parkhill, John Hall, of the city of London, all in the county of Middlesex, and David Milne, of the town of Sarnia, in the county of Lambton, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The London and North Western Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be at the city of London, in the county of Middlesex, in the province of Ontario.

Annual meeting.

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

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.

Line of railway described.

8. The Company may lay out construct and operate a railway of the gauge of four feet eight and one-half inches (*a*) from a point in or near the city of London, in the county of Middlesex, to a point in or near the town of Sarnia, in the county of Lambton, and (*b*) from a point in or near the said city of London to a

point on Lake Huron, in the county of Huron, passing through or near the towns of Ailsa Craig and Parkhill, or either of them.

Consent of municipalities.

9. Notwithstanding anything in *The Railway Act*, the Company shall not construct or operate its railway along any highway, street, or other public place without first obtaining the consent, expressed by by-law, of the municipalities having jurisdiction over the said highway, street or other public place, and upon terms to be agreed upon with such municipality.

Special powers.

Vessels.

Wharfs, elevators, etc.

10. The Company may, for the purposes of its undertaking,—construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Issue of securities.

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

Development of power, compressed air and electricity.

12. Subject to the provisions of sub-section 8 of section 247 of *The Railway Act*, the Company may, for the purposes of its undertaking, acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating or motor purposes, and may dispose of surplus power generated by the Company's works and not required for the undertaking of the Company, and, for the purposes of such acquisition, utilization and disposal, may construct, operate and maintain lines for the conveyance of light, heat, power and electricity.

Transmission and delivery of electric power.

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

Consent of municipalities required for telegraph or telephone lines upon highways, etc.

14. Nothing in this 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.

Telegraph and telephone lines.

15. 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 ex-

changing 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.

Tolls.

2. No toll or charge shall be demanded or taken for the transmission of any messages, 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.

R.S., c. 126.

3. Part II of *The Telegraphs Act* shall apply to the telegraphic business of the Company.

Transmission lines to be subject to Ontario legislation.

16. The Company and its undertaking shall be subject to such provisions of any general Act now or hereafter passed by the legislature of the province of Ontario as provide, in the interest of public health or safety, for the control and regulation of the transmission, distribution or supply of electricity in any form.

Agreements with other companies.

17. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into any agreement with any railway company for any of the purposes specified in the said section 361.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 102.

An Act to incorporate the London and North Western Railway Company.

First reading, March 10, 1909.

(PRIVATE BILL.)

MR. BEATTIE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 103.

An Act respecting the National Accident and Guarantee Company of Canada.

Preamble.

1907, c. 109.

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:—

New s. 3.

1. Section 3 of chapter 109 of the statutes of 1907 is repealed and the following is substituted therefor:—

Head office.

"**3.** The head office of the Company shall be in the city of London, in the province of Ontario, or in such other place in Canada as a majority of the provisional directors, or directors, select."

Section 5 amended.

2. Subsection 1 of section 5 of the said Act is repealed, and the following is substituted therefor:—

First general meeting.

"**5.** So soon as one 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 said city of London (or in such other place wherein 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 a board of not less than seven nor more than twenty directors, who shall thereafter manage the affairs of the Company, and a majority of whom shall be a quorum."

Election of directors.

Name may be changed.

3. The provisional directors, or directors, may, with the assent of the Minister of Finance, change the name of the National Accident and Guarantee Company of Canada to such name as they agree upon, but such change of name shall not in any way impair, alter, or affect the rights or liabilities of the said company, nor in any wise affect any suit or proceeding now pending, or judgment existing, either by, or in favor of, or against the said company, which, notwithstanding such change in the name of the said company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Existing rights saved.

Expiry of Acts.

4. Notwithstanding anything in *The Insurance Act*, the Act incorporating the said company, and this Act, shall not expire

or cease to be in force until the expiration of two years from the passing of this Act, and not then if within such two years the said company shall obtain a license from the Minister of Finance, under the provisions of *The Insurance Act*.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 103.

An Act respecting the National Accident and Guarantee Company of Canada.

First reading, March 10, 1909.

(PRIVATE BILL.)

MR. PARDEE,

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 104.

An Act respecting the Thessalon and Northern Railway Company.

Preamble.

WHEREAS the Thessalon and Northern Railway Company has by its petition represented that it was incorporated by chapter 110 of the statutes of Ontario of 1907, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Ont., 1907, c. 110.

Provincial railway declared to be for general advantage of Canada.

1. The railway which the Thessalon and Northern Railway Company was authorized by the Act mentioned in the preamble to construct from a point on the Algoma branch of the Canadian Pacific Railway about two miles north east of the town of Thessalon, thence southwesterly to a point in or near the town of Thessalon, in the district of Algoma, thence northwesterly to a point at or near Thessalon station on the Algoma branch of the Canadian Pacific Railway, and from either of the said points on the said Algoma branch, northerly to a point on the Mississauga River in or near the township of Gould, in the district of Algoma, is declared to be a work for the general advantage of Canada.

Agreements with another company.

2. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Thessalon and Northern Ontario Railway Company may enter into an agreement with the Grand Trunk Railway Company of Canada, the Canadian Northern Railway Company or the Canadian Pacific Railway Company for any of the purposes specified in the said section 361.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

BILL 104.

An Act respecting the Thessalon and Northern Railway Company.

First reading, March 10, 1909.

(PRIVATE BILL.)

MR. SMYTH.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 106.

An Act to amend the Railway Act.

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

1908, c. 61, s. 8 repealed. R.S., c. 37, section added.

1. Section 8 of chapter 61 of the statutes of 1908 is repealed, and the following is enacted as section 26A of *The Railway Act:*—

Jurisdiction of Board as to agreements.

"**26A.** Where it is complained by or on behalf of the Crown or any municipal or other corporation or any other person aggrieved, that the company has violated or committed a breach of an agreement between the complainant and the company— or by the company that any such corporation or person has violated or committed a breach of an agreement between the company and such corporation or person,—for the provision, construction, reconstruction, alteration, installation, operation, use or maintenance by the company, or by such corporation or person, of the railway or of any line of railway intended to be operated in connection with or as part of the railway, or of any structure, appliance, equipment, works, renewals or repairs upon or in connection with the railway, the Board shall hear all matters relating to such alleged violation or breach, and shall make such order as to the Board may seem, having regard to all the circumstances of the case, reasonable and expedient, and in such order may, in its discretion, direct the company, or such corporation or person, to do such things as are necessary for the proper fulfilment of such agreement, or to refrain from doing such acts as constitute a violation or a breach thereof."

S. 136 amended.

2. Section 136 of *The Railway Act* is amended by adding thereto the following subsection:—

Reissue of securities deposited or pledged for loans or advances.

"7. When securities issued under this section have been deposited or pledged by the company, as security for a loan or for advances made to it, and such loan or advances have been paid off and such deposit or pledge redeemed, such securities shall not be deemed to have been paid off or to have become extinguished, but shall be deemed to be still alive, and the Company may reissue them; and upon such reissue the person to whom the reissue is made shall have the same rights and priorities as if the securities had not previously been issued.

Securities not deemed paid off by account ceasing to be in debit.

"(*a*) Where a company has deposited any of its securities to secure advances from time to time on current account, such securities shall not be deemed to have been paid off or extinguished by reason only of the account of the company ceasing to be in debit while the securities remain so deposited.

Reissue not a new security.

"(*b*) The reissue of a security under this subsection shall not be treated as the issue of a new security for the purpose of any provision limiting the number or amount of the securities to be issued."

S-s. 7 to be retroactive.

2. Subsection 7 of section 136 of the said Act shall be retrospective in its operation, and shall apply to securities heretofore as well as to securities hereafter issued, deposited or pledged, and to past as well as to future transactions relating to or affecting the same, but nothing in the said subsection shall prejudice,—

Pending proceedings not affected.

(*a*) the operation of any judgment or order of a court of competent jurisdiction pronounced or made before the first day of July, one thousand nine hundred and nine, as between the parties to the proceedings in which the judgment was pronounced or the order made, and any appeal from any such judgment or order shall be decided as if the said subsection had not been enacted;

Issue of securities in place of these paid off.

(*b*) any power to issue securities in the place of any securities paid off, or otherwise satisfied or extinguished, reserved to a company by the securities themselves, or by any mortgage or trust deed securing them.

S. 192 amended.

3. Subsection 2 of section 192 of the said Act is amended by adding thereto the following: "Provided, however, that

Date for purpose of dompensation.

if the company does not actually acquire title to the lands within two years from the date of such deposit, then the date of such acquisition shall be the date with reference to which such compensation or damages shall be ascertained.

1908, c. 61, s. 12 repealed. R.S., c. 37, new s. 237.

4. Section 237 of the said Act, and section 12 of chapter 61 of the statutes of 1908, are repealed, and the following is enacted as section 237 of *The Railway Act:*—

Plan of crossing of highway.

"**237.** Upon any application for leave to construct a railway upon, along or across any existing highway, or to construct a highway along or across any existing railway, the applicant shall submit to the Board a plan and profile showing the portion of the railway and highway affected.

Powers of Board.

"2. The Board may, by order, grant such application in whole or in part and upon such terms and conditions as to protection, safety and convenience of the public as the Board deems expedient, or may order that the railway be carried over, under or along the highway, or that the highway be carried over, under or along the railway, or that the railway or highway be temporarily or permanently diverted, or that such other work be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction, in the opinion of the Board, arising or likely to arise in respect of the granting of the application in whole or in part in connection with the crossing applied for, or arising or likely to arise in respect thereof in connection with any existing crossing.

As to land required.

"3. When the application is for the construction of the railway upon, along or across an existing highway, all the provisions

of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land, exclusive of the highway crossing, required for the proper carrying out of any order made by the Board.

Supervision.

"4. The Board may exercise supervision in the construction of any work ordered by it under this section, or may give directions respecting such supervision.

Details to be approved by Board.

"5. When the Board orders the railway to be carried over or under the highway, or the highway to be carried over or under the railway, or any diversion temporarily or permanently of the railway or the highway, or any works to be executed under this section, the Board may direct that detailed plans, profiles, drawings and specifications be submitted to the Board.

Regulations by Board.

"6. The Board may make regulations respecting the plans, profiles, drawings and specifications required to be submitted under this section."

New section 238.

5. Section 238 of *The Railway Act* is repealed and the following is substituted therefor:—

Powers of Board as to existing crossings.

"**238.** Where a railway is already constructed upon, along or across any highway, the Board may, upon its own motion, or upon complaint or application, by or on behalf of the Crown, or any municipal or other corporation, or any person aggrieved, order the company to submit to the Board, within a specified time, a plan and profile of such portion of the railway, and may cause inspection of such portion, and may inquire into and determine all matters and things in respect of such portion, and the crossing, if any, and may make such order as to the protection, safety and convenience of the public as it deems expedient, or may order that the railway be carried over, under or along the highway, or that the highway be carried over, under or along the railway, or that the railway or highway be temporarily or permanently diverted, and that such other work be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction in the opinion of the Board arising or likely to arise in respect of such portion or crossing, if any, or any other crossing directly or indirectly affected.

As to crossings ordered by Board.

"2. When the Board of its motion, or upon complaint or application, makes any order that a railway be carried across or along a highway, or that a railway be diverted, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land, exclusive of the highway crossing, required for the proper carrying out of any order made by the Board.

Apportionment of cost of changes.

"3. Notwithstanding anything in this Act, or in any other Act, the Board may, subject to the provisions of section 238A of this Act, order what apportionment of cost is to be borne by the company, municipal or other corporation, or person in respect of any order made by the Board under this or the preceding

section, and such order shall be binding on and enforcible against any railway company, municipal or other corporation or person named in such order."

Section added.

6. The said Act is amended by inserting the following section immediately after section 238 thereof:—

Railways hereafter constructed to provide for safety of public at highway crossings.

"**238**A. In any case where a railway is constructed after the passing of this Act, the company shall, at its own cost and expense (unless and except as otherwise provided by agreement, approved of by the Board, between the company and a municipal or other corporation or person), provide, subject to the order of the Board, all protection, safety and convenience for the public in respect of any crossing of an existing highway by the railway."

Section added.

7. The said Act is further amended by inserting the following section immediately after section 239 thereof:—

Appropriation to aid in providing for safety of public at highway crossings at rail level.

"**239**A. The sum of two hundred thousand dollars each year for five consecutive years from the first day of April, one thousand nine hundred and nine, shall be appropriated and set apart from the Consolidated Revenue Fund for the purpose of aiding in the providing of protection, safety and convenience for the public in respect of highway crossings of the railway at rail level, in existence on the said first day of April.

Railway Grade Crossing Fund.

"2. The said sums shall be placed to the credit of a special account to be known as 'The Railway Grade Crossing Fund,' and shall be applied by the Board as hereinafter set forth.

Apportionment of money by Board.

"3. The total amount of money to be apportioned, and directed and ordered by the Board to be payable from any such annual appropriation shall not, in the case of any one crossing, exceed twenty per cent of the actual cost of the construction work in providing such protection, safety and convenience, and shall not, in any such case, exceed the sum of five thousand dollars, and no such money shall in any one year be applied to more than three crossings in any one municipality or more than once to any one crossing.

Provincial contributions to fund.

"4. In case any province contributes towards the said fund, the Board may apportion, direct and order payment out of the amount so contributed by such province, subject to any conditions and restrictions made and imposed by such province in respect of its contribution.

'Crossing' defined.

"5. 'Crossing,' for the purposes of this section, means any steam railway crossing of a highway, or highway crossing of a steam railway, at rail level, and every manner of construction of the railway or of the highway by the elevation or the depression of the one above or below the other, or by the diversion of the one or the other, and any other work ordered by the Board to be provided as one work of protection, safety and convenience for the public in respect of one or more railways not exceeding four tracks in all crossing or so crossed.

'Municipality' defined.

"6. 'Municipality,' for the purposes of this section, means an incorporated city, town, village, township or parish."

8. Section 241 of the said Act, and section 13 of chapter 61 of the statutes of 1908, are repealed, and the following is enacted as section 241 of *The Railway Act:*— 1908, c. 61, s. 13 repealed. R.S., c. 37, new s. 241.

"**241.** Every structure by which any railway is carried over or under any highway or by which any highway is carried over or under any railway, shall be so constructed, and, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure. Facilities for traffic.

"2. Notwithstanding anything in this Act, or in any other Act, the provisions of sections 236 to 241, both inclusive, of this Act shall apply to all corporations, persons, companies and railways, other than government railways, within the legislative authority of the Parliament of Canada." Application of ss. 236 to 241.

9. Subsection 1 of section 298 of the said Act is amended by striking out the words "crops, lands, fences, plantations, or buildings and their contents," in the first and second lines thereof, and substituting therefor the words "any property," and by inserting after the word "recoverable," in the ninth line thereof, the words "under this section." S. 298 amended. Liability for damage by fire from locomotive.

10. The said section 298 is further amended by adding thereto the following sub-section:— S. 298 amended.

"4. The Board may order, upon such terms and conditions as it deems expedient, that fire guards be established and maintained by the company along the route of its railway and upon any lands, of His Majesty or of any person, lying along such route, and, subject to the terms and conditions of any such order, the company may at all times enter into and upon any such lands for the purpose of establishing and maintaining such fire guards thereon, and freeing, from dead or dry grass, weeds and other unnecessary inflammable matter, the land between such fire guards and the line of railway." Powers of Board as to fire guards.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 106.

An Act to amend the Railway Act.

First reading, March 11, 1909.

MR. GRAHAM.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 107.

An Act to amend the Adulteration Act.

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

R S., c. 133, s. 41 amended.

1. Subsection 1 of section 41 of *The Adulteration Act*, chapter 133 of the Revised Statutes, 1906, is amended by striking out all the words after the word "Act" in the fifth line thereof.

Cost of sample and analysis.

Costs of prosecution.

2. Subsection 2 of the said section 41 is amended by striking out all the words after the word "vendor" in the fourth line thereof.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 107.

An Act to amend the Adulteration Act.

First reading, March 12, 1909.

MR. CURRIE
(North Simcoe).

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 108.

An Act respecting the Saving of Daylight.

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

Preamble.

WHEREAS it is desirable to adopt a standard time in advance of the standard time now in use, with the object of promoting a more extended use and enjoyment of daylight during the summer months: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Daylight Saving Act.*

Yukon excepted.

2. This Act shall not apply to the Yukon Territory.

Period of standard time from April to November.

3. From and after two o'clock in the morning of the first Sunday in April in each year until two o'clock in the morning of the first Sunday in November in each year the standard time shall be one hour in advance of the standard time now in use.

Standard time in Acts, and legal instruments.

4. The time hereby established shall be known as standard time, and when any period of time is mentioned in any Act of Parliament, deed or other legal instrument, the time mentioned or referred to shall, unless it is otherwise specifically stated, be held to be standard time under this Act.

Greenwich mean time not affected.

5. Greenwich mean time, as used for the purposes of astronomy and navigation, shall not be affected by this Act.

Commencement of Act.

6. This Act shall come into force on the first day of January, one thousand nine hundred and ten.

108.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 108.

An Act respecting the Saving of Daylight.

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

MR. LEWIS.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 110.

An Act respecting Agricultural Fertilizers.

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 Fertilizers Act, 1909.*

Definitions.

"Minister."

"Fertilizer."

"Registration number."

"Agent."

"Guaranteed analysis."

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

(*a*) "Minister" means the Minister of Inland Revenue;

(*b*) "fertilizer" includes every natural or artificial manure containing phosphoric acid, or nitrogen, or potash, except ordinary stable manure;

(*c*) "registration number" means the specific number given by the Minister, under this Act, to each brand of fertilizer;

(*d*) "agent" means any person, not a manufacturer, who sells, or offers for sale, any fertilizer;

(*e*) "guaranteed analysis" means the valuation of a fertilizer by the manufacturer or agent in terms of its content of phosphoric acid, nitrogen and potash.

Distinct brands.

3. Fertilizers shall be considered as distinct brands when differing either in guaranteed composition, trade mark, name, or in any other characteristic method of marking.

Name of foreign manufacturer's agent or representative in Canada to be filed with Minister.

4. Where the manufacturer of any fertilizer has his factory or chief place of business elsewhere than in Canada, he shall file with the Minister the name of a person in Canada, or a corporation in, or having its head office in, Canada, as the agent or representative of such manufacturer for all the purposes of this Act; and any notice to, or communication or dealing with, such agent or representative by the Minister shall be effectual for all the purposes under this Act.

Default of filing.

2. In default of such filing, the Minister may take any proceeding or action under this Act *ex parte*, and without any notice to or communication with such person or corporation.

Registration number.

Fee.

5. Every brand of fertilizer offered for sale in Canada shall bear a registration number, which shall be permanently assigned to the particular brand or species of fertilizer for which it is issued. The number shall be granted by the Minister on the application of the manufacturer of such brand of fertilizer, or his agent, and on payment of a fee of two dollars.

Application for registration number.

6. Every application for a registration number shall be accompanied by a statement giving the following particulars:—

(*a*) Name of brand for which the registration number is asked, and trade mark, if any;

(*b*) Name and address of manufacturer;

(*c*) Name and address of the person applying for registration;

(*d*) Guaranteed analysis.

Registration number, how affixed.

Statement required.

7. The registration number must be affixed by the manufacturer, importer or agent, in a plain and legible manner, to every package of fertilizer sold or offered for sale, and shall constitute an identification of the brand. In addition to the registration number there must be legibly printed, on every package of fertilizer sold, the statement set out in schedule A to this Act. This condition shall be held to be fulfilled if a printed tag, bearing the registration number and the statement required, is securely attached to the package.

Notice of change of formula and application for new number.

8. If a manufacturer elects to change the formula or composition of any fertilizer for which a registration number has been granted, he shall notify the Minister to that effect, and shall apply for a new registration number to designate the new or altered fertilizer, and the former registration number shall be cancelled, and shall not be reissued.

Annual license to sell.

Fee.

Period of validity.

9. An annual license to sell such brand of fertilizer shall be obtained for each such brand, and such license will be granted by the Minister on the application of the manufacturer or his agent, and on payment of a fee of five dollars.

2. The year for which a license to sell is granted shall coincide with the calendar year, and such license shall expire on the thirty-first day of December of the year during which it was granted.

Purchaser of registered fertilizer may obtain analysis.

Fee.

10. Any purchaser of a registered fertilizer may obtain from the Minister an analysis of the fertilizer as delivered to him, by making application for such analysis, accompanied by a sample of the fertilizer of at least one pound weight, and taken in accordance with the directions given in schedule B to this Act, and on payment of a fee of five dollars.

Certain officers to act as inspectors.

R.S., c. 133.

11. The officers of Inland Revenue, the officers of Customs, the inspectors and deputy inspectors of weights and measures, and the inspectors of food, drugs and agricultural fertilizers acting under *The Adulteration Act* shall, when required so to do by any regulation made in that behalf by the Governor in Council or the Minister, act as inspectors of fertilizers, and shall procure and submit for analysis samples of fertilizers offered for sale in Canada.

Inspectors to procure samples for analysis.

12. Every inspector of fertilizers shall, whenever instructed by the Minister so to do, obtain for analysis a sample of every fertilizer for sale in the district for which such inspector is appointed.

2. Every sample so obtained shall be transmitted to the Minister for submission to the chief analyst for analysis; and the result of all such analyses shall be published annually by the Minister in such manner as he sees fit, together with such other information pertaining to fertilizers as he deems it desirable should be published. Analysis and publication of results.

13. If any fertilizer is imported for the personal use of the importer, and not for sale, this Act shall not apply thereto, but such importer may secure an analysis of the fertilizer, as delivered to him, on application to the Minister and on payment of a fee of five dollars. The sample submitted must be taken in accordance with the requirements of section 10 of this Act. Fertilizers imported for personal use. Analysis.

14. This Act shall not apply to fertilizers which are manufactured to the order of the purchaser and are not intended for sale; but such purchaser may secure an analysis of the fertilizer as delivered to him, under the conditions stated in section 10 of this Act. Fertilizers made to order, and not intended for sale. Analysis.

15. Every person who sells or offers or exposes for sale any fertilizer in respect of which the provisions of this Act have not been complied with; or who sells or offers or exposes for sale any fertilizer which does not contain the percentage of constituents mentioned in the manufacturer's certificate accompanying such fertilizer, shall be liable in each case to a penalty not exceeding fifty dollars for the first offence, and for each subsequent offence to a penalty not exceeding one hundred dollars: Provided that a deficiency of one-half of one per cent of the ammonia or its equivalent in nitrogen or nitric acid, or of the phosphoric acid, or of the potash claimed to be contained in the fertilizer, shall not be considered as evidence of fraudulent intent, if the total value of the fertilizer in fertilizing materials is substantially equivalent to the guaranteed statement made by the manufacturer or agent. Penalties for non-compliance with this Act. Proviso as to evidence of fraudulent intent.

16. Every person who forges, or utters or uses knowing it to be forged, any manufacturer's certificate, registration number, or certificate of analysis required under this Act, is guilty of an indictable offence, and is liable to imprisonment for a term not exceeding two years, with or without hard labour. Forgery of certificate, registration number, etc. Penalty.

17. Every person who wilfully applies to any fertilizer a certificate, or tag, or registration number given in relation to any other package or lot of fertilizer, shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding twelve months. Unlawful use of certificate tag or registration number. Penalty.

18. Every person who gives a false certificate in writing with respect to a fertilizer sold by him as a principal or agent, shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding twelve months. False certificate. Penalty.

19. All fees paid and penalties recovered under this Act shall form part of the Consolidated Revenue Fund of Canada. Application of fees and penalties.

R.S., c. 132 rep aled.

20. *The Fertilizers Act*, chapter 132 of the Revised Statutes, 1906, is repealed.

SCHEDULE A.

STATEMENT TO BE ATTACHED TO PACKAGE.

1. (*Name of brand.*)
2. (*Registration number.*)
3. (*Name and address of manufacturer.*)
4. (*Analysis, as guaranteed by the manufacturer.*)
5. Notice. Purchasers will note that the above values are guaranteed by the manufacturer only, and not by the Minister of Inland Revenue. The registration number identifies the fertilizer.

Any purchaser resident in Canada may have an analysis made by the Department of Inland Revenue, on payment of five dollars; and the certificate of such analysis shall be accepted as evidence. Samples intended for analysis must be taken in conformity with the regulations made by the Minister for such purpose.

Necessary instructions may be obtained by addressing the Deputy Minister of Inland Revenue, Ottawa.

SCHEDULE B.

INSTRUCTIONS FOR TAKING SAMPLES OF FERTILIZERS TO BE SUBMITTED FOR ANALYSIS IN ACCORDANCE WITH SECTION 10.

Samples of fertilizer submitted by a purchaser for analysis must be inclosed in glass jars or bottles, and properly sealed.

Samples for analysis must be taken in the presence of the manufacturer or of his agent, and must bear his signature as well as th t of the purchaser. In lots of five tons, or less, portions shall be drawn from each separate package, and from at least ten packages; or if less than ten packages are present, all shall be sampled. In lots of over five tons, not less than twenty packages and at least ten per cent of the packages shall be sampled. The portions so taken shall be thoroughly mixed in the presence of the parties interested, and from this mixture the sample sent to the Minister is to be taken; and at the same time a duplicate sample is to be left with the party whose goods are inspected, subject to the call of the manufacturer or agent.

1st Session, 11th Parliament, 9 Edward VII., 19

THE HOUSE OF COMMONS OF CANADA.

BILL 110.

An Act respecting Agricultural Fertilizer

First reading, March 19, 1909.

MR. TEMPLEMAN.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

110.

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 111.

An Act to amend the Railway Act.

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

1. Section 26 of *The Railway Act* is amended by adding thereto the following subsection:— R.S., c. 37, s. 26 amended.

"6. The Board shall, with the approval of the Governor in Council, appoint a solicitor of not less than five years' standing at the Bar to examine into and, if advisable and proper, lay before the Board any complaint made by any person who, in the opinion of the said solicitor, is unable, for any reason, to personally prosecute such complaint, and may act on behalf of such person in any appeal from any decision of the Board thereon." Appointment of solicitor to examine complaints.

2. Section 284 of the said Act, as amended by section 10 of chapter 61 of the statutes of 1908, is further amended by adding thereto the following subsections:— S. 284 amended.

"9. The Board shall, with the approval of the Governor in Council, appoint five inspectors who, in addition to their other duties under this section or those which may be imposed on them by the Board, shall inspect the sanitary fittings of the stations, buildings and passenger cars of railways within their respective districts, and make reports to the Board, when required, as to whether the regulations of the Board and the provisions of this Act in such respect are being carried out. Appointment of inspectors.

"10. The districts for which inspectors shall be appointed are as follows:—(*a*) the maritime provinces; (*b*) the province of Quebec; (*c*) the province of Ontario; (*d*) the provinces of Manitoba and Saskatchewan; (*e*) the provinces of Alberta and British Columbia and the Yukon territory." Inspection districts.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 111.

An Act to amend the Railway Act.

First reading, March 26, 1909.

MR. LEWIS.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 112.

An Act to amend the Dominion Elections Act.

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

R.S., c. 6, section added.

1. *The Dominion Elections Act* is amended by inserting the following section immediately after section 143 thereof:—

Polls to be opened at certain points for railway employees.

"**143A.** In any election in which request may be made to the returning officer by or on behalf of any candidate, or by or on behalf of any elector or electors who are employees of any railway company, such number of polls shall be held at convenient divisional or other suitable points along any railway in any electoral district in which the service of such electors require them to be on election day, as are necessary to poll the votes of such electors as are entitled to vote in the said electoral district who, in the discharge of their duties, are required during the day of election to be outside of the polling division in which such electors are resident and entitled to vote.

Points to be selected by Governor in Council.

"2. The divisional or other points where booths may be opened for polling the votes of railway enployees, who by certificate are entitled to vote outside of the district in which they reside, shall be selected and established by the Governor in Council.

Appointment of deputy returning officer, and instructions to returning officer.

"3. The Clerk of the Crown in Chancery shall appoint, by a commission under his hand, in form A in the schedule to this Act, the deputy returning officers for the polls to be held at the divisional or other points established according to this Act, and he shall instruct the returning officer for the electoral district in which such employees are entitled to vote to forward to such deputy returning officer a ballot box and such ballots, poll books, forms of oath, envelopes and stamps as are requisite for the election in the electoral district for which such returning officer is appointed, and shall instruct the returning officer to label the ballot box as follows: "Ballot box in which the ballots of voters, being railway employees, for the riding of , shall be deposited.

Certificate of transfer of vote.

"4. The returning officer for any electoral district shall, at the request of any railway employee, who is an elector resident and entitled to vote in such electoral district, grant such elector a certificate in form B in the schedule to this Act, entitling him to vote at the polling booth established at any divisional or other suitable point, as designated in the certificate of the returning officer.

Declaration of voter.

"5. The deputy returning officer to whom such certificate is presented on the day for holding the poll shall require the person presenting it to sign a declaration, in form C in the schedule to this Act, that he is the person named in such certificate.

Duties of deputy returning officer after close of poll.

"6. At the close of the poll the deputy returning officer shall proceed to count the votes cast for each electoral district represented at such poll in the same manner, as far as possible, as is provided in sections 172 to 182, inclusive, of this Act, and he shall forthwith send each ballot box, sealed and locked as provided in section 181 of this Act, to the returning officer of the electoral district from whom he received such ballot box.

Votes to be counted in respective counties.

"7. Such returning officer shall count such votes in the returns for the respective candidates in the electoral district in which such railway employees are resident and entitled to vote."

Schedule amended.

2. The schedule to the said Act is amended by adding thereto the following forms:—

"KK.

Commission of a Deputy Returning Officer.

To G. H. (*insert his legal addition and residence*).

Know you, that in my capacity of Clerk of the Crown in Chancery, I hereby appoint you to be deputy returning officer for the polling division number , at , there to take the votes of the electors by ballot according to law, at the polling station to be by you opened and kept for that purpose; and you are hereby authorized and required to open and hold the poll of such election for the said polling division on the day of , at nine o'clock in the forenoon, at (*here describe particularly the place in which the poll is to be held*), and there to keep the said poll open during the hours prescribed by law, and to take at the said polling place, by ballot, in the manner by law provided, the votes of the electors voting at the said polling place, and after counting the votes given and performing the other duties required of you by law, to return to the returning officer of the electoral district from whom you received them, the ballot box sealed with your seal, and the ballots, envelopes, list of voters, poll book, and other documents required by law, together with this commission.

Given under my hand, at , this day of , in the year 19 .

K. L.,
Clerk of the Crown in Chancery.

"LL.

Certificate of Transfer of Railway Employee's Vote.

To G. H., deputy returning officer for the polling division number , at ,

I, the undersigned, returning officer for the electoral district of , hereby certify that of , railway employee, is an elector of the electoral district of , resident and entitled to vote therein at this election, and at his request I have transferred his vote from the list of polling division number of this electoral district to your polling division, and this certificate entitles him to vote at your polling booth.

Dated at this day of 19 .

A. B.,

Returning officer for the electoral district of .

"MM.

Declaration of Railway Employee.

I, , of , railway employee, do solemnly declare that I am of , railway employee, the person named in the certificate of , returning officer for the electoral district of , produced herewith.

Declared before me at in the electoral district of , this day of 19 .

C. D.
Justice of the Peace.

G. H.
Deputy Returning Officer.

I. J.
Poll Clerk."

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 112.

An Act to amend the Dominion Elections Act.

First reading, March 29, 1909.

MR. CONMEE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 113.

An Act to amend the Industrial Disputes Investigation Act, 1907.

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

1907, c. 20, s. 15 amended. Manner of application for Board of conciliation.

1. Paragraph (*b*) of subsection 2 of section 15 of *The Industrial Disputes Investigation Act, 1907*, is amended by striking out the words "and that the necessary authority to declare such lockout or strike has been obtained" in the fifth, sixth and seventh lines of the said paragraph.

S. 16 amended. Signatures to application.

2. Paragraph (3) of section 16 of the said Act is amended by striking out all the words after the word "officers" in the second line of the said paragraph.

New s. 51. Allowance to members of Board.

3. Section 51 of the said Act is repealed, and the following is substituted therefor:—

"**51.** The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

"(*a*) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

"(*b*) an allowance of twenty-five dollars for each day's sittings of the Board."

New s. 57. Relation of parties to remain unchanged pending proceedings before a Board.

4. Section 57 of the said Act is repealed, and the following is substituted therefor:—

"**57.** Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment or with respect to wages or hours. In the event of such change not being accepted by the employer or the employees affected, the party who has given such notice shall, upon being notified of such non-acceptance, apply for the appointment of a Board under this Act to investigate the proposed change; and in every such case, until the dispute has been finally dealt with by the Board, neither the employer nor the employees affected shall alter the conditions of employment or the wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall

continue uninterrupted by the dispute, or anything arising out of the dispute. Any violation hereof shall constitute an offence, and the guilty party shall be subject, if an employer, to the penalty imposed by section 58 of this Act and if an employee to that imposed by section 59 of this Act.

Penalty for causing delay.

"2. If, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties imposed for a violation of the next preceding section."

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS OF CANADA.

BILL 113.

An Act to amend the Industrial Disputes Investigation Act, 1907.

First reading, March 30, 1909.

MR. MACDONELL.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

113.

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 122.

An Act to incorporate the Cabano Railway Company.

Preamble.

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

Incorporation.

1. Donald Fraser and Donald Fraser, Junior, both of Plaster Rock, in the county of Victoria, in the province of New Brunswick; Archibald Fraser and Robert England, both of Cabano, and William Hayes, of Notre Dame du Lac, in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "The Cabano Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in Cabano, in the province of Quebec.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Tuesday in August.

Directors.

7. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

8. The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from a point at Long lake in the county of Temiscouata, in the province of Quebec, on the line of the National Transcontinental Railway; thence in an easterly direction through the county of Temiscouata, following the valley of the Cabano river, to Cabano, on lake Temiscouata, in the said county of Temiscouata.

Issue of securities.

9. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be

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

Agreements with other companies.

10. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with the Commissioners of the Transcontinental Railway and the Temiscouata Railway Company, or either, for any of the purposes specified in the said section 361.

122.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS OF CANADA.

BILL 122.

An Act to incorporate the Cabano Railway Company.

First reading, April 2, 1909.

(PRIVATE BILL.)

Mr. GAUVREAU.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 127.

An Act respecting Commercial Feeding Stuffs.

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 Commercial Feeding Stuffs Act.*

Definitions.

"Minister."

"Commercial feeding stuff."

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

(*a*) "Minister" means the Minister of Inland Revenue;

(*b*) "commercial feeding stuff," "feeding stuff" and "feed" mean any article offered for sale for the feeding of domestic animals, and feeds claimed to possess medicinal as well as nutritive properties, excepting only hay and straw, roots, the whole seeds or the mixed or unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat or flax seed; wet brewers' grains; the bran or middlings from either wheat, rye, oats, peas or buckwheat sold separately and not mixed with other substances;

"Registration number."

(*c*) "registration number" means the specific number given by the Minister, under this Act, to each brand of commercial feeding stuff;

"Agent."

(*d*) "agent" means any person whose name has been filed with the Minister as provided by section 4 of this Act;

"Guaranteed analysis."

(*e*) "guaranteed analysis" means the valuation of a commercial feeding stuff by the manufacturer or agent, in terms of its minimum content of protein and fat, and its maximum content of fibre.

Distinct brands.

3. Commercial feeding stuffs shall be considered as distinct brands when differing either in guaranteed composition, trade mark, name, or in any other characteristic method of marking.

Name of foreign manufacturer's agent or representative in Canada to be filed with Minister.

4. Where the manufacturer of any commercial feeding stuff has his factory or chief place of business elsewhere than in Canada, he shall file with the Minister the name of a person in Canada, or a corporation in, or having its head office in, Canada, as the agent or representative of such manufacturer for all the purposes of this Act; and any notice to, or communication or dealing with, such agent or representative by the Minister shall be effectual for all the purposes of this Act.

Default of filing.

2. In default of such filing, the Minister may take any proceeding or action under this Act *ex parte*, and without any notice to, or communication with such person or corporation.

Registration number.

5. Every brand of commercial feeding stuff offered for sale in Canada shall bear a registration number, which shall be permanently assigned to the particular brand of feeding stuff for which it is issued. The number shall be granted by the Minister on the application of the manufacturer of such brand of feeding stuff, or his agent, and on payment of a fee of two dollars.

Fee.

Application for registration number.

6. Every application for a registration number shall be accompanied by a statement giving the following particulars:—

(*a*) Name of brand for which the registration number is asked, and trade mark, if any;

(*b*) Name and address of manufacturer;

(*c*) Name and address of the person applying for registration;

(*d*) Guaranteed analysis;

(*e*) The material of which the food is composed. This is required to be filed in the department, for the information of the Minister, not for publication.

Registration number, how affixed.

7. The registration number must be affixed by the manufacturer, importer, or agent, in a plain and legible manner to every package of commercial feeding stuff sold or offered for sale, and shall constitute an identification of the brand. In addition to the registration number there must be legibly printed, on every package of feeding stuff sold, the statement set out in schedule A to this Act. This condition shall be held to be fulfilled if a printed tag bearing the registration number, and the statement required, is securely attached to the package.

Statement required.

Notice of change of composition and application for new number.

8. If a manufacturer elects to change the composition of any commercial feeding stuff for which a registration number has been granted, he shall notify the Minister to that effect, and shall apply for a new registration number to designate the new or altered feeding stuff; and the former registration number shall be cancelled, and shall not be reissued.

Annual license to sell.

9. An annual license to sell any brand of commercial feeding stuff shall be obtained for each such brand, and such license will be granted by the Minister on the application of the manufacturer or his agent, and on payment of a fee of five dollars, and shall authorize the sale of the brand for which it is granted.

Fee.

Period of validity.

2. The year for which a license to sell is granted shall coincide with the calendar year; and such license shall expire on the thirty-first day of December of the year during which it was granted.

Purchaser of registered feeding stuff may obtain analysis.

10. Any purchaser of a registered commercial feeding stuff may obtain from the Minister an analysis of the feed as delivered to him, by making application for such analysis, accompanied by a sample of the feed of at least one pound weight, and taken in accordance with the directions given in schedule B to this Act; and on payment of a fee of dollars.

Fee.

Certain officers to act as inspectors.
R.S., c. 133.

11. The officers of Inland Revenue, the officers of Customs, the inspectors and deputy inspectors of weights and measures, and the inspectors of food, drugs and agricultural fertilizers act-

ing under *The Adulteration Act* shall, when required so to do by any regulation made in that behalf by the Governor in Council or the Minister, act as inspectors of commercial feeding stuffs, and shall procure and submit for analysis samples of feeding stuffs offered for sale in Canada.

Inspectors to procure samples for analysis.

12. Every inspector of commercial feeding stuffs shall, whenever instructed by the Minister so to do, obtain for analysis a sample of every feeding stuff offered for sale in the district for which such inspector is appointed.

Analysis and publication of results.

2. Every sample so obtained shall be transmitted to the Minister for submission to the chief analyst for analysis; and the result of all such analyses shall be published annually by the Minister in such manner as he sees fit, together with such other information pertaining to commercial feeding stuffs as he deems it desirable should be published.

Feeding stuff imported for personal use.

13. If any feeding stuff is imported for the personal use of the importer, and not for sale, this Act shall not apply thereto, but such importer may secure an analysis of the feed as delivered to him, on application to the Minister and on payment of a fee of dollars. The sample submitted must be taken in accordance with the requirements of section 10 of this Act.

Analysis.

Feeding stuff made to order, and not for sale.

14. This Act shall not apply to feeding stuffs which are manufactured to the order of the purchaser and are not intended for sale; but such purchaser may secure an analysis of the feed as delivered to him, under the conditions stated in section 10 of this Act.

Analysis.

Penalties for non-compliance with Act.

15. Every person who sells or offers or exposes for sale any commercial feeding stuff in respect of which the provisions of this Act have not been complied with, or who sells or offers or exposes for sale any feeding stuff which does not contain the percentage of constituents mentioned in the manufacturer's statement or certificate accompanying such feeding stuff, shall be liable in each case to a penalty not exceeding fifty dollars for the first offence, and for each subsequent offence to a penalty not exceeding one hundred dollars; provided that a deficiency of one per cent of the protein, or fat, or an excess of two per cent of fibre claimed to be contained in the feeding stuff shall not be considered as evidence of fraudulent intent, if the total value of the feeding stuff in nutritive materials is substantially equivalent to the guaranteed statement made by the manufacturer or agent.

Proviso as to evidence of fraudulent intent.

Forgery of certificate, registration number, etc.

16. Every person who forges, or utters or uses knowing it to be forged, any manufacturer's certificate, registration number, or certificate of analysis required under this Act, is guilty of an indictable offence, and is liable to imprisonment for a term not exceeding two years, with or without hard labour.

Penalty.

Unlawful use of certificate tag or number.

17. Every person who wilfully applies to any commercial feeding stuff a certificate, or tag, or registration number given in relation to any other package or lot of feeding stuff, shall be liable to a penalty not exceeding five hundred dollars, and in

Penalty.

default of payment to imprisonment for a term not exceeding twelve months.

False certificate.

18. Every person who gives a false certificate in writing with respect to a commercial feeding stuff sold by him as a principal or agent shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding twelve months.

Penalty.

Application of fees and penalties.

19. All fees paid and penalties recovered under this Act shall form part of the Consolidated Revenue Fund of Canada.

Commencement of act.

20. This Act shall come into force on the first day of January, one thousand nine hundred and ten.

SCHEDULE A.

STATEMENT TO BE ATTACHED TO PACKAGE.

1. (*Name of brand.*)
2. (*Registration number.*)
3. (*Name and address of manufacturer.*)
4. (*Analysis as guaranteed by the manufacturer, which shall show the percentage content of protein, fat and fibre.*)
5. Notice: Purchasers will note that the above values are guaranteed by the manufacturer only, and not by the Minister of Inland Revenue. The registration number identifies the feeding stuff.

Any purchaser resident in Canada may have an analysis made by the Department of Inland Revenue, on payment of dollars; and the certificate of such analysis shall be accepted as evidence. Samples intended for analysis must be taken in conformity with the regulations made by the Minister for such purpose.

Necessary instructions may be obtained by addressing the Deputy Minister of Inland Revenue, Ottawa.

SCHEDULE B.

INSTRUCTIONS FOR TAKING SAMPLES OF FEEDING STUFFS TO BE SUBMITTED FOR ANALYSIS IN ACCORDANCE WITH SECTION 10.

Samples of feeding stuffs submitted by a purchaser for analysis must be enclosed in glass jars or bottles, and properly sealed.

Samples for analysis must be taken in the presence of the manufacturer or of his agent, and must bear his signature as well as that of the purchaser. In lots of five tons, or less, portions shall be drawn from each separate package, and from at least ten packages; or if less than ten packages are present, all shall be sampled. In lots of over five tons, not less than twenty packages and at least ten per cent of the packages shall

be sampled. The portions so taken shall be thoroughly mixed in the presence of the parties interested, and from this mixture the sample sent to the Minister is to be taken; and at the same time a duplicate sample is to be left with the party whose goods are inspected, subject to the call of the manufacturer or agent.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 127.

An Act respecting Commercial Feeding Stuffs.

First reading, April 5, 1909.

MR. TEMPLEMAN.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 128.

An Act to authorize a loan to the Grand Trunk Pacific Railway Company.

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

Loan authorized for Prairie Section.

1. The Governor in Council may, upon the terms and conditions hereinafter provided, advance by way of loan to the Grand Trunk Pacific Railway Company (hereinafter called "the Company") a sum not exceeding ten million dollars, for the purpose of aiding the Company in the completion of the construction of the Prairie Section of the Western Division of the National Transcontinental Railway, as defined in section 5 of Article One of the schedule to this Act, and the sum so advanced shall bear interest at the rate of four per cent per annum, payable half-yearly, and shall be repayable in ten years from the time the moneys are advanced, or if advanced in instalments, then in ten years from the time the first of such instalments is advanced.

Repayment.

Bond issue as collateral.

2. The sum advanced under the authority of this Act, whether in one instalment or several instalments, shall be advanced upon the pledge of an issue of bonds to be made by the Company as collateral security for the payment of such sum and interest, and the principal amount of the bonds received in pledge shall equal the sum advanced.

Mortgage to secure bonds.

3. The issue of bonds to be made by the Company hereunder shall be for a principal amount not exceeding ten million dollars, and shall be secured, subject to any prior lien or charge, by a mortgage or deed of trust by way of mortgage of the said Prairie Section and of the undertaking, equipment and property, tolls, rights and franchises of the Company described in the said mortgage, and shall be guaranteed as to the payment of the principal and interest thereof by the Grand Trunk Railway Company of Canada (hereinafter called the "Grand Trunk Company").

Guaranty by Grand Trunk Railway Co.

Authority to issue bonds and make mortgage.

4. The Company, in addition to any powers which it now has in such behalf, is empowered to make such mortgage or deed of trust, and to create and issue the bonds contemplated by this Act, and the power of the Company in such behalf shall not be deemed to be limited by the provisions of section 13 of chapter 122 of the statutes of 1903.

1903, c. 122.

Grand Trunk Railway Co. may join in mortgage and guaranty.

5. The Grand Trunk Company by its directors, in addition to any powers which the said company or its directors now have in such behalf, is empowered to be a party to such mortgage or deed of trust, and to enter into the contract of guaranty contemplated by section 3 of this Act; and no agreement, covenant or undertaking entered into prior to this Act by the Grand Trunk Company, either with His Majesty or the Company, to guarantee the bonds of the Company shall be deemed to be superseded or in any way affected by this enactment.

Form of mortgage and guaranty.

6. The form and provisions of such mortgage and of the bonds to be secured thereby and of the guaranty thereof by the Grand Trunk Company shall be substantially as set forth in the schedule to this Act.

Bonds: when payable.

Interest.

7. The bonds to be issued hereunder shall be payable on such day in the year nineteen hundred and nineteen as the said mortgage may provide, and shall bear interest at the rate of four per cent per annum, payable half-yearly.

Default in payment of moneys.

8. Should any default be made in the payment of the half-yearly interest on the sum or sums advanced hereunder, or in the payment of the principal sum advanced when the same becomes payable, then in addition to and without prejudice to any right or remedy His Majesty may have against the Company in respect of such default, and in addition to and without prejudice to any right or remedy His Majesty may have as pledgee of the whole or any part of such bond issue, His Majesty shall, for the purpose of remedy, be deemed to be the holder of the said bonds and entitled to all the rights and remedies available to bond holders arising according to the terms of the said mortgage or deed of trust upon default being made in payment of the interest on or the principal of such bonds; and default in payment of the interest on, or the principal of, such advances shall be deemed to be default in payment of the interest on or the principal of such bonds.

Repayment before advance due.

9. The Company, before the time for repayment in this Act provided, upon giving six months' notice, may repay the sum advanced with interest to the date of such repayment, and the said bonds shall thereupon be delivered up to the Company.

Moneys advanced may be raised by loan.

10. The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by any Act of Parliament heretofore passed, raise by way of loan such sum or sums of money not exceeding ten million dollars as may be required for making the advances authorized by this Act.

How raised.

11. The sum or sums of money by this Act authorized to be raised by way of loan shall be so raised in accordance with and under the provisions of that portion of chapter 24 of the Revised Statutes of Canada, 1906, relating to the public debt and the raising of loans authorized by Parliament, and the sum or sums

so raised shall form part of the Consolidated Revenue Fund of Canada.

SCHEDULE.

This Indenture, made the day of A.D. 1909, between The Grand Trunk Pacific Railway Company, a company duly incorporated by the Parliament of Canada, (hereinafter called the "Pacific Company,") of the first part,

The Royal Trust Company, a company duly incorporated under the laws of the Dominion of Canada, (hereinafter called "the Trustee"), of the second part, and

The Grand Trunk Railway Company of Canada, a company duly incorporated by the Legislature of the late Province of Canada, and now under the legislative jurisdiction of the Parliament of Canada, (hereinafter called the "Grand Trunk Company"), of the third part.

Whereas the Pacific Company was incorporated by an Act of the Parliament of Canada, chapter 122 of the statutes of 1903, with authority, among other things, to construct and operate the line of railway hereinafter mentioned;

And whereas under date of the 29th day of July, 1903, an agreement was entered into between His Majesty the King, acting in respect of the Dominion of Canada (thereinafter called the "Government"), and Sir Charles Rivers Wilson, C.B., G.C.M.G., and others, representing therein and acting on behalf of The Grand Trunk Pacific Railway Company, a company to be incorporated by Act of the Parliament of Canada at the then present session thereof, respecting the construction and operation of a line of railway from Moncton in the province of New Brunswick, and thence westerly across the continent to the Pacific Ocean (therein designated as "The National Transcontinental Railway"), which said agreement forms the schedule to an Act of the Parliament of Canada, chapter 71 of the statutes of 1903, and, subject to the provisions of said Act, is thereby ratified and confirmed;

And whereas the Pacific Company, under date of the 18th day of February, 1904, entered into a further and supplementary agreement with the Government respecting the construction and operation of the said railway, which said agreement forms the schedule to an Act of the Parliament of Canada, chapter 24 of the statutes of 1904, and, subject to the provisions of the said Act and of chapter 71 of the statutes of 1903, hereinbefore referred to, is also thereby ratified and confirmed. The said two respective agreements are hereinafter referred to as the Scheduled Agreements, and the said two Acts respectively confirming the same are, with their said schedules hereinafter referred to as the "Transcontinental Railway Acts;"

And whereas the Transcontinental Railway Acts provide in effect for the construction and operation of a line of railway between the city of Moncton, in the province of New Brunswick, and the navigable waters of the Pacific Ocean, at or near Port Simpson, or some other port in British Columbia, as may be agreed upon, comprising two divisions, to be called the "Eastern Division" and the "Western Division," respectively, the Eastern

Division of which shall comprise the portion of said railway to be constructed from its eastern terminus through the central part of the province of New Brunswick and through the province of Quebec, by the shortest available line to the city of Quebec; thence westerly through the northern part of the provinces of Quebec and Ontario, and through the province of Manitoba to the city of Winnipeg; and the Western Division of which shall comprise the portion of the said railway between the said city of Winnipeg, or some point on the Eastern Division and the Pacific Ocean, extending westerly through the provinces of Manitoba, Saskatchewan, Alberta and British Columbia; the said Eastern Division to be constructed by and at the expense of the Government, and to be leased to the Pacific Company upon the terms and conditions provided in the "Transcontinental Railway Acts;" and the said Western Division to be constructed and operated by the Pacific Company;

And whereas the said Western Division has, for convenient reference, been divided into two sections, one extending from the eastern terminus thereof, at the city of Winnipeg or at some point on the Eastern Division not east of the ninety-sixth meridian of longitude thence westerly to the east bank of Wolf River, about one hundred and twenty miles west of the city of Edmonton to be designated the "Prairie Section" and the other extending westerly from the western terminus of the Prairie Section to the western terminus of the said Western Division, to be designated the "Mountain Section;"

And whereas the said agreement of the 29th July, 1903, as amended by the said agreement of the 18th February, 1904, further provides that, for the purpose of aiding the Pacific Company in the construction of the Western Division, the Government shall guarantee the payment of the principal and interest of an issue of bonds to be made by the Pacific Company for a principal amount equal to 75 per cent of the cost of construction of the said Western Division as defined and ascertained in accordance with the provisions of paragraph 18 of the said agreement of 29th July, 1903, but that such principal amount shall not, in respect of the Prairie Section, exceed $13,000 per mile of the mileage thereof, although 75 per centum of such cost of construction may have exceeded the said sum of $13,000 per mile;

And whereas an indenture bearing date the 10th day of June, 1905, and made between the Pacific Company of the first part, the Royal Trust Company, as Trustee, of the second part, and His Majesty King Edward VII., acting in respect of the Dominion of Canada and represented therein by the Honourable W. S. Fielding, Minister of Finance of the Dominion of Canada, thereinafter referred to as the Government, of the third part, provides for the issue by the Pacific Company of the bonds to be so guaranteed by the Government, sets forth the terms and conditions upon and subject to which the said bonds are to be issued and secured, describes the property mortgaged, and also contains provisions respecting the disposition of the proceeds of such bonds, and the rights and remedies of the trustee therein named, and of the holders of the bonds issued thereunder;

And whereas the said indenture is set forth in schedule A to an Act of the Parliament of Canada, chapter 98 of the statutes of 1905, section 1 of which Act enacts as follows:—

"The deed of trust by way of mortgage, dated the tenth day of June, one thousand nine hundred and five, set forth in schedule A to this Act, made by the Company to secure its issue of First Mortgage Bonds in respect of the Western Division of the Company's railway, is hereby ratified and confirmed and declared to be valid and binding, and the bonds issued and hereafter to be issued, as mentioned in the said deed, are hereby declared to be valid and binding as the First Mortgage Bonds of the Company issued in respect of the said Western Division, and the Company is hereby empowered to make the said deed and to issue the said bonds. This section is expressly declared to be binding upon His Majesty and His successors."

And whereas by paragraph 34 of the said agreement of the 29th July, 1903, the Pacific Company agrees that inasmuch as the bonds to be guaranteed by the Government only make provision for a part of the cost of construction of the Western Division, the Grand Trunk Company shall guarantee bonds of the Pacific Company for the balance required for the construction of the said Western Division, exclusive of the twenty million dollars required for first equpiment which the Pacific Company is required to provide under paragraph 22 of said agreement, and it is, by said paragraph 34, as amended by paragraph 14 of said agreement of 18th February, 1904, provided that the Pacific Company may issue a second series of bonds to be guaranteed as aforesaid by the Grand Trunk Company, to be a second charge upon the property referred to and described in paragraph 35 (*b*) of the said agreement of 29th July, 1903, and to be subject to and to rank upon the said property next after the said bonds so to be issued and guaranteed by the Government;

And whereas an indenture bearing date the 15th day of March, 1905, and made between the Pacific Company, of the first part, National Trust Company, Limited, as Trustee, of the second part, and the Grand Trunk Railway Company of Canada, of the third part, provides for the issue by the Pacific Company of two series of bonds designated as Series A and Series B, respectively, the bonds of series A to be issued in respect of the Prairie Section for an aggregate principal amount not exceeding £2,100,000 sterling and the bonds of series B to be issued in respect of the Mountain Section for an aggregate principal amount not exceeding £2,050,000 sterling and for the guaranty thereof by the Grand Trunk Company in pursuance of the provisions of said paragraph 34 of the agreement of 29th July, 1903, sets forth the terms and conditions upon which such bonds are to be issued and secured, describes the property mortgaged and also contains provisions respecting the disposition of the proceeds of such bonds and the rights and remedies of the trustee named therein and of the holders of the bonds issued thereunder;

And whereas the said indenture is set forth in schedule B to said chapter 98 of the statutes of 1905, section 2 of which Act enacts as follows:—

"The deed of trust by way of mortgage dated the fifteenth day of March, one thousand nine hundred and five, set forth in schedule B to this Act, made by the Company to secure its issue of Second Mortgage Bonds in respect of the said Western Division, is hereby ratified and confirmed and declared to be valid and binding, and the bonds issued and hereafter to be issued, as mentioned in the said deed, are hereby declared to be valid and binding as the Second Mortgage Bonds of the Company issued in respect of the said Western Division, and the Company is hereby empowered to make the said deed and to issue the said bonds."

And whereas owing to the high standard of the railway being constructed by the Pacific Company, as well as the increased cost of labour, materials and supplies, the cost of completing the construction of the Prairie Section will considerably exceed that estimated, and it now appears that the proceeds of the bonds issued under the provisions of the said indenture, set forth in schedule B to said chapter 98 of the statutes of 1905, will not be sufficient to provide the balance required to be provided in accordance with the provisions of paragraph 34 of the said agreement of the 29th July, 1903, for the construction of the said Prairie Section, and for the purpose of providing such balance the Pacific Company has determined to create a further issue of bonds for a principal amount not exceeding ten million dollars, bearing interest at the rate of four per centum per annum, to be secured as hereinafter provided, and to be guaranteed as to principal and interest by the Grand Trunk Company;

And whereas by sections 2 and 3 of an Act of the Parliament of Canada, chapter 24 of the statutes of 1904, it is, among other things, provided that the directors of the Grand Trunk Company may, for the purpose of aiding and assisting the Pacific Company in carrying out any of the provisions of the Scheduled Agreements, from time to time engage the credit of the Grand Trunk Company, and enter into any contract of guaranty or indemnity as is deemed necessary, and may from time to time and as often as they deem necessary enter into an agreement or agreements with the directors of the Pacific Company respecting the manner and the terms upon which the Grand Trunk Company shall, or may aid or assist the Pacific Company, in carrying the Scheduled Agreements into effect, and may guarantee the bonds, debentures or other securities of the Pacific Company and perform such other services for the Pacific Company as are agreed upon;

And whereas by section 8 of the said last mentioned Act, it is enacted that notwithstanding anything in The National Transcontinental Railway Act (chapter 71 of the statutes of 1903), or in the Scheduled Agreements contained, His Majesty the King, acting in respect of the Dominion of Canada, shall not be bound or obliged to perform, carry out or fulfil any of the covenants, undertakings, conditions or stipulations in the Scheduled Agreements contained, on behalf of His Majesty, acting as aforesaid unless and until the Grand Trunk Company covenants and agrees as follows with His Majesty acting as aforesaid:—

"That it will guarantee the bonds of the Pacific Company for the balance required for the complete construction of the Western

Division in the Scheduled Agreements mentioned, as provided in clause 34 of the agreement, a copy of which forms the schedule to The National Transcontinental Railway Act,"

And whereas the agreement required by the said section of the last mentioned Act has been duly executed and delivered and bears date the 8th day of June, 1905;

And whereas by an indenture entered into between the Pacific Company and the Grand Trunk Company, bearing date the 31st day of July, 1906, the Grand Trunk Company covenanted with the Pacific Company that as and when required by the Pacific Company it would guarantee any further bonds of the Pacific Company for the balance required for the complete construction of the Western Division in accordance with the obligations undertaken by the Grand Trunk Company to His Majesty under the said agreement of the 8th day of June, 1905;

And whereas in pursuance of the provisions of the several agreements hereinbefore recited and by virtue of the powers conferred by said chapter 24 of the statutes of Canada, 1904, and every other power in anywise vested in it, the Grand Trunk Company proposes to guarantee the payment of the principal and interest of the bonds to be issued under and secured by this indenture;

And whereas for the purposes hereinbefore mentioned the Pacific Company, under and by virtue of any powers conferred by any Act heretofore or which may hereafter be passed respecting the said company and every other power in anywise now or hereafter vested in it, has determined to create and issue bonds to be called Grand Trunk Pacific Four Per Cent Mortgage Bonds, due 1919, for an amount of principal which shall not in the aggregate exceed the sum of ten million dollars ($10,000,000), which bonds shall bear interest at the rate of four per cent per annum, payable semi-annually, and be secured, subject to the prior liens and charges hereinafter mentioned upon that portion of the railway, undertaking, equipment, property, tolls and franchises of the Pacific Company hereinafter described, with their appurtenances, and be guaranteed as to principal and interest by the Grand Trunk Company pursuant to the terms of this mortgage;

And whereas the form of the bonds and of the coupons to be attached thereto, of the certificate to be signed by the Trustee and of the guaranty to be signed on behalf of the Grand Trunk Company are to be substantially as follows:—

[FORM OF BOND.]

No. —— $

THE GRAND TRUNK PACIFIC RAILWAY COMPANY.

Incorporated by Act of the Parliament of Canada, cap. 122, statutes of 1903.

Four Per Cent Mortgage Bond, due 1919.

Guaranteed by the Grand Trunk Railway Company of Canada.

This bond is one of a series of bonds of the Grand Trunk Pacific Railway Company, known as its Four Per Cent Mortgage Bonds, due 1919, issued and to be issued for an aggregate principal amount not exceeding ten million dollars ($10,000,000) at any one time outstanding. The said bonds shall be in the denomination of one thousand ($1,000) dollars or of any multiple thereof, in such proportions as the directors may from time to time determine, and shall bear interest at the rate of four per centum per annum, all of the bonds of the said series ranking *pari passu*. The said bonds are authorized under an Act of the Parliament of Canada, being chapter of the statutes of 1909, and by resolutions of the Board of directors of The Grand Trunk Pacific Railway Company, duly passed on the day of , 1909, and duly ratified and confirmed at a meeting of the shareholders of the said company on the day of 1909.

Know all men by these presents, that the Grand Trunk Pacific Railway Company, hereinafter called the "Pacific Company," for value received, promises to pay to the bearer, or if registered, to the registered holder of this bond, on the first day of , 1919, at its office or agency in the city of Montreal, dollars, and to pay interest thereon (but only upon presentation and surrender as they severally mature of the coupons therefor annexed hereto) at the rate of four per centum per annum from the day of , 1909, semi-annually on the first day of and the first day of in each year, at said office or agency, the first of said payments to become payable on the first day of , 1909.

This bond is one of a series of bonds of the Pacific Company known as its Four Per Cent Mortgage Bonds, due 1919, issued and to be issued for an aggregate principal amount not exceeding ten million dollars ($10,000,000) at any one time outstanding, under and in pursuance of, and all equally secured by a mortgage or deed of trust dated the day of , 1909, executed by the Pacific Company to the Royal Trust Company, as Trustee, of the property and franchises of the Pacific Company, conveyed in trust by said mortgage or deed of trust, to which reference is hereby made for a statement of the property and franchises mortgaged, the nature and extent of the security, the rights of the holders of said bonds under the same, and the terms and conditions upon which said bonds are to be issued and secured.

The said mortgage or deed of trust is subject to any mortgage or deed of trust mentioned in an Act of the Parliament of Canada, chapter 100 of the statutes of 1906, or in the schedule to said Act, by which a prior or superior lien or charge is created upon the property and franchises, or any part thereof, described in the mortgage or deed of trust securing this bond, and also to the lien or charge of the debenture stock authorized by the said Act.

This bond may, at the holder's option, be registered as to the principal thereof on the books of the Pacific Company at its head office in the city of Montreal, and be made payable as to the principal thereof only to the registered holder named therein,

but such registration shall not affect the negotiability of the coupons by delivery. After such registration, certified hereon no transfer shall be valid unless made by the registered holder hereof, or his duly authorized attorney on the Pacific Company's books at the said office and similarly noted on the bond, but the same may be discharged from registry by being transferred on the books at such office to bearer, such transfer being similarly noted on the bond, and thereupon transferability by delivery shall be restored. This bond may again, from time to time in like manner, be registered or made transferable by delivery at the option of the holder.

Both the principal and interest of this bond are payable without deduction for any tax or taxes which the Pacific Company may be required to pay or to retain therefrom, under any present or future law of the Dominion of Canada or of any province, county or municipality thereof, the Pacific Company hereby agreeing to pay all such tax or taxes.

The Pacific Company agrees that it will not at any time hereafter, so long as any of the said bonds shall be outstanding, create or suffer to be created any charge upon, or issue any bond or bonds which shall be a lien upon any of the property for the time being forming part of the security for the repayment of the principal and interest due under said bonds, in priority to the charge or lien securing the said bonds or any of them, except so far as is provided by or set forth in the said mortgage or deed of trust.

This bond shall not be valid or become obligatory for any purpose until it shall have been authenticated by the certificate of the trustee hereon endorsed.

This bond is to have endorsed hereon the guaranty of the Grand Trunk Railway Company of Canada.

In witness whereof The Grand Trunk Pacific Railway Company has caused these presents to be signed by its President or one of its Vice-Presidents and its corporate seal to be hereunto affixed, and to be attested by its Secretary or an Assistant-Secretary, and coupons for said interest with the engraved signature of its Treasurer to be attached hereto as of the

day of 1909.

THE GRAND TRUNK PACIFIC RAILWAY COMPANY.

By

.....

President.

[L.S.]

.....

Secretary.

[FORM OF COUPON.]

No..... $.....

On the first day of.....The Grand Trunk Pacific Railway Company will pay to the bearer at its office or agency in

the city of Montreal, ... dollars, being six month's interest then due on its Four Per Cent Mortgage Bond, due 1919, No..... guaranteed by the Grand Trunk Railway Company of Canada.

.....
Treasurer.

[FORM OF TRUSTEE'S CERTIFICATE.]

This certifies that this bond is one of a series of Four Per Cent Mortgage Bonds, due 1919, described in the within mentioned mortgage or deed of trust, executed by The Grand Trunk Pacific Railway Company to the undersigned, as trustee.

THE ROYAL TRUST COMPANY,
Trustee.

By

.....
Secretary.

And whereas by paragraph 35 of the said agreement of the 29th day of July, 1903, it is provided that the several mortgages and all bonds and securities, required to carry the said agreement into effect, shall be in such form and contain such provisions not inconsistent with the terms of the said agreement as the Government may approve.

And whereas His Excellency the Governor General in Council, has by Order in Council approved of the form and provisions of this mortgage and of the bonds to be secured thereby, and of the form of guaranty of the Grand Trunk Company as herein set forth, namely:

[FORM OF GUARANTY.]

For value received, the Grand Trunk Railway Company of Canada, having been thereunto duly authorized hereby unconditionally guarantees the prompt payment of the principal and interest of the within bond according to the tenor thereof, and it agrees that if such payment is not made it will itself forthwith make such payment.

In witness whereof the Grand Trunk Railway Company of Canada has caused this guaranty to be signed on its behalf by its Treasurer thereunto authorized under the seal of the Company, by a resolution of its Board of directors, dated the day of , 1909.

THE GRAND TRUNK RAILWAY COMPANY OF CANADA.
By

.....
Treasurer.

And whereas the directors of the Grand Trunk Company have also approved of the form and provisions of this mortgage and of the bonds to be secured hereby and of the form of guaranty as above set forth;

And whereas the creation and issue of the said Four Per Cent mortgage Bonds, due 1919, and the execution of this mortgage to secure the same have been duly authorized by the Board of directors of the Pacific Company, in terms of resolutions passed at a board meeting held on the day of , 1909, copies of which are as follows:

"Resolved that for the purpose of providing the balance required for the completion of the Prairie Section of the Company's railway, this Company shall create and issue a series of bonds as hereinafter provided, secured (subject to any prior or superior lien or charge thereon) upon that portion of the railway, undertaking, equipment, and property, tolls, rights and franchises of the Company, described and set forth in the draft of mortgage now submitted to this Board. The said series of bonds shall be known as this Company's Four Per Cent Mortgage Bonds, due 1919, and shall be for an aggregate principal amount which shall not, in any event, exceed the sum of ten million dollars ($10,000,000) at any one time outstanding. The said bonds shall be payable at the office or agency of the Company at the city of Montreal and shall bear interest at the rate of four per centum per annum from the day of 1909, payable semi-annually on the first day of and the first day of in each year, at said office or agency. The said bonds shall be of the denomination of one thousand dollars ($1,000) or of any multiple thereof in such proportions as the directors may from time to time determine.

"Resolved further that in order to secure payment of said bonds with the interest thereon, this Company shall execute a mortgage or deed of trust to the Royal Trust Company, a company duly incorporated under the laws of the Dominion of Canada, as trustee, covering that portion of the railway, undertaking, equipment and property, tolls, rights and franchises of this Company (subject to any prior or superior lien or charge thereon) described in the draft of mortgage now submitted to this Board ;

"Resolved further that said draft of mortgage and the form of bonds and coupons and of the guaranty of the Grand Trunk Railway Company of Canada to be endorsed on said bonds which are embodied in the said draft mortgage, be and the same are hereby approved, and that the President or one of the Vice-presidents and the Secretary of this Company be and they are hereby authorized to execute the said mortgage and bonds, or a mortgage and bonds in substantially the same form on behalf of this Company under its corporate seal;

"And resolved further that in case the officers who shall have signed and sealed any of such bonds shall cease to be officers of the Company, before the bonds so signed and sealed shall have been actually certified and delivered by the Trustee, such bonds may nevertheless be issued, certified and delivered as though the persons who signed and sealed such bonds had not ceased to be officers of the Company. The coupons to be

attached to such bonds may be authenticated by the engraved signature of the present or any future treasurer of the Company, and the Company may adopt and use for that purpose the engraved signature of any person who shall have been such treasurer, notwithstanding the fact that such person may have ceased to be such treasurer at the time when such bonds shall be actually certified and delivered;"

And whereas the said resolutions of the Board of directors of the Pacific Company, together with said draft of mortgage and the form of bonds and coupons respectively, and of the guaranty of the Grand Trunk Company to be endorsed on said bonds which are embodied in the said draft mortgage were thereafter submitted to a meeting of the shareholders of the Pacific Company at which all the shareholders were present in person or represented by proxy, and the said resolutions of the Board of directors were in all things at the said meeting duly ratified and confirmed;

And whereas this mortgage and the bonds to be secured thereby are substantially in the form of the said draft mortgage and bonds approved by the directors and the shareholders at the said meetings, respectively;

And whereas the form of coupons to be attached to the said bonds, the trustee's certificate to be signed by the trustee and the guaranty to be endorsed upon the said bonds by the Grand Trunk Company, as the same were approved by the directors and shareholders as above set forth, are severally substantially set forth in this mortgage;

And whereas in pursuance of such authority and of all and every legal power and authority now or hereafter vested in it, the Pacific Company proposes to issue and deliver the bonds hereby secured and to execute this indenture to secure the said bonds, and to declare the terms and conditions upon which every such bond is and shall be issued and secured;

Now therefore this indenture witnesseth as follows:—

ARTICLE ONE.

MEANING OF TERMS.

Section 1. His Majesty the King, acting in respect of the Dominion of Canada, by and through His Excellency the Governor General in Council, and represented herein by the Honourable the Minister of Finance and Receiver General of Canada, is herein called the "Government;" The Grand Trunk Pacific Railway Company, a company duly incorporated by the Parliament of Canada is herein called the "Pacific Company;" the Grand Trunk Railway Company of Canada, a company duly incorporated by the Legislature of the late Province of Canada and now under the legislative jurisdiction of the Parliament of Canada, is herein called the "Grand Trunk Company," and the Royal Trust Company is herein called the "Trustee."

Section 2. All the covenants, stipulations, promises and agreements in this indenture contained, by or on behalf of the Pacific Company, or of the Grand Trunk Company, shall extend

to and be binding upon the successors and assigns respectively of each of the said companies.

Section 3. Unless there is something in the subject or context inconsistent therewith, the words "the Trustee" shall be construed to refer to and describe the company which shall for the time being be charged with the execution of any of the trusts of these presents, whether such company shall be the company named herein as the Trustee or any successor of the said company in the said trusts.

Section 4. The expression "the mortgaged premises" shall include all the premises and franchises hereby mortgaged or charged in any way with the payment of moneys intended to be secured by these presents.

Section 5. For the purposes of this mortgage and of the securities issued and to be issued hereunder, the portion of the railway of the Pacific Company referred to herein and in the Transcontinental Railway Acts as the Prairie Section shall mean and comprise that portion of the said railway extending from the eastern terminus of the said Prairie Section, at the city of Winnipeg, or at some point on the Eastern Division of the National Transcontinental Railway not east of the ninety-sixth meridian of longitude, thence westerly through the Provinces of Manitoba and Saskatchewan and to the east bank of Wolf River, about one hundred and twenty miles west of the city of Edmonton, in the Province of Alberta, the east bank of said Wolf River having been established as the western limit of the Prairie Section and the eastern limit of the Mountain Section under and in pursuance of clause 4 of the agreement, a copy of which forms the schedule to chapter 71 of the statutes of 1903.

Section 6. The expression "construction work" for the purposes of this mortgage, and of the securities issued and to be issued hereunder, shall mean and include all wages, materials and supplies for construction of the said Prairie Section, or any part thereof, material purchased or acquired for the purposes of such construction, machinery, plant, implements, tools, services, and transportation required for, or entering into the cost of such construction, expenditure for right-of-way and other lands required for the purposes of the Prairie Section and for terminal facilities thereof, expenditure for compensation for lands injuriously affected, for accommodation works and damages, for compensation for injuries, accidents and casualties to persons and property incidental to or arising out of such construction, for surveys and engineering, for maintenance, repairs and replacement of works and materials during construction, for materials, supplies and labour expended in the construction of telegraph and telephone lines reasonably required for the operation of the Prairie Section, or any part thereof, for preliminary expenses, for superintendence and management, including salaries and expenses of necessary officials, book-keeping, legal and medical expenses, reasonable sums for directors fees and expenses, and generally all costs and expenditures occasioned by the construction of the Prairie Section whether of the same kind as or differing in kind from the classes of expenditure especially above mentioned,

including all expenses in connection with or incidental to the authorization, issue, sale or other disposition of any bonds issued hereunder, stamp duties, banking charges, exchange and interest upon moneys expended: Provided, however, that no materials or supplies shall be included in the expression "construction work" unless and until they shall have been delivered in Canada to the Pacific Company.

Where the work is done under contract, the expression "construction work" shall also include payments and obligations to contractors for construction of any part of the Prairie Section.

The said expression "construction work" shall also include any sum or sums of money paid or to be paid by the Pacific Company as interest accruing, or about to accrue, during the "period of construction", as hereinafter defined, upon all bonds from time to time issued by the Pacific Company and guaranteed by the Government under the indenture set forth in schedule A to the said chapter 98 of the statutes of 1905, the proceeds of which shall have been expended in "construction work" as defined in section 5 of Article One of the said indenture, upon or in respect of the Prairie Section, and upon any bonds issued and to be issued by the Pacific Company and guaranteed by the Grand Trunk Company in respect of the Prairie Section under the indenture set forth in schedule B to said chapter 98, and also upon any bonds issued hereunder, less any sum or sums of money received by the Pacific Company from its net earnings, in respect of the Prairie Section, or as interest upon any proceeds of bonds issued in respect thereof.

Section 7. The expression "working expenditure" shall for the purposes of this mortgage and of the securities issued and to be issued hereunder, mean and include all expenses of maintenance of the Prairie Section, and of the stations, buildings, works and conveniences belonging thereto, and a due proportion as between the Prairie Section and other portions of the Pacific Company's railway of the expenses of maintaining and repairing and furnishing supplies to the rolling and other stock and moveable plant constituting the equipment of the Western Division or used in the working thereof, and all such tolls, rents or annual sums as are payable on account of property leased to or held by the Pacific Company in respect of the Prairie Section (but not including any rent of the Eastern Division or other leased line or any portion thereof) or in respect of the due proportion as between the Prairie Section and other portions of the Pacific Company's railway, of the hire of any rolling stock let to the Pacific Company as part of the equipment of the Western Division; all rent, charges or interest on the purchase money of lands belonging to the Pacific Company purchased for use in connection with the Prairie Section, but not paid for, or not fully paid for; all expenses of or incidental to working the Prairie Section and the traffic thereon, including stores and supplies; all rates, taxes, insurance and compensation for accident or losses payable in respect of the Prairie Section; also all salaries and wages of persons employed in and about the working of the said Prairie Section and the traffic thereon; such tolls, charges or other sums as may be payable for the use of, or in respect of the rolling stock of other companies while upon the Prairie Section, the due proportion as

aforesaid of all office and management expenses, including director's fees, agency, legal, medical and other like expenses, and of any sums of money contributed to any fund for the benefit of the employees of the Pacific Company; all costs and expenses of and incidental to the compliance by the Pacific Company with any order of the Board of Railway Commissioners for Canada, or of any Board or authority which may hereafter be duly constituted by the Parliament of Canada for the regulation of railways, and made in reference to the Prairie Section, and, generally, all such charges, if any, in respect of the Prairie Section not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue as distinguished from capital account.

Section 8. The expression "period of construction" in section 6 of this Article shall, subject to the provisions of any Act limiting the same, mean the period of time which shall elapse until the Prairie Section shall be declared by the Board of Railway Commissioners for Canada open for traffic.

ARTICLE TWO.

PROPERTY GRANTED IN TRUST.

In order to secure the payment of the principal and interest of all bonds at any time hereafter issued and outstanding under this indenture according to their tenor and effect and the performance of all covenants and conditions herein contained, and to declare the terms and conditions upon which such bonds are issued and received, the Pacific Company, in consideration of the premises and of the purchase and acceptance of such bonds by the holders thereof, and of the sum of one dollar to it duly paid by the Trustee at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has executed and delivered these presents, and has granted, bargained, sold, released, conveyed, assigned, transferred and set over and doth hereby grant, bargain, sell, release, convey, assign, transfer and set over unto the Trustee, its successors and assigns forever:

All and singular the railway, undertaking and property of the Pacific Company herein referred to as the Prairie Section and comprising that portion of the Western Division of the National Transcontinental Railway extending from the eastern terminus of the said Western Division at the city of Winnipeg, or from some point on the Eastern Division of the said National Transcontinental Railway not east of the ninety-sixth meridian of longitude, thence westerly through the Provinces of Manitoba and Saskatchewan and to the east bank of Wolf River, about one hundred and twenty miles west of the city of Edmonton, in the Province of Alberta, the east bank of said Wolf River having been established as the western limit of the Prairie Section and the eastern limit of the Mountain Section under and in pursuance of clause 4 of the agreement, a copy of which forms the schedule to chapter 71 of the statutes of 1903, together with the rights and franchises in connection therewith and the revenues therefrom hereinafter particularly described, but not including any other Section or Division of the railway of the

Pacific Company, or the tolls or revenues receivable in respect thereof by the Pacific Company, or the rolling stock or equipment of the Eastern Division of the National Transcontinental Railway or of the Lake Superior Branch or ships, or any municipal or provincial grants of land by way of bonus or subsidy to the Pacific Company (other than lands required for right of way, station grounds, terminals or other like railway purposes) nor any cash subsidies or bonuses, or any other line of railway or property whatsoever except the railway and property herein expressly described.

And, except as above provided, all and singular the estates, leasehold or otherwise, rights, privileges and franchises belonging or appertaining to the said above described railway, undertaking, equipment and property, including (*a*) all terminals, wharves, piers, docks and other structures connected therewith, and telegraph and telephone lines erected upon the Prairie Section; all roadbeds, superstructures, right of way, rails, tracks, sidetracks, sidings, extensions, bridges, viaducts, terminals, buildings, depots, stations, tanks and water appliances, warehouses, car-houses, engine-houses, freight-houses, coal-houses, wood-houses, machine-shops and other shops, turntables, water stations, fences, structures, erections and fixtures, and any and all other property, real or personal of every kind or description now or hereafter to be provided or acquired by the Pacific Company as appurtenant to the Prairie Section or forming part thereof; (*b*) all locomotives, engines, cars and other rolling stock, equipment, machinery, instruments, tools, implements, fuel, materials, furniture and other chattels of the Pacific Company now owned or hereafter held, acquired or provided by the Pacific Company, constituting the equipment of the Western Division, or of the terminals of the Prairie Section or of other property hereby mortgaged, including materials and supplies purchased or acquired for the purposes of construction of the Prairie Section, notwithstanding that the same may not have been actually delivered upon the work; (*c*) all the rents, issues, profits, tolls and other revenues receivable by the Pacific Company in respect of the said property or any portion thereof; and (*d*) all the rights, privileges, franchises and property which the Pacific Company now has, or shall hereafter acquire, possess or become entitled to, appertaining to the construction, maintenance, use or operation of the Prairie Section, or of the terminals thereof, or of other property hereby mortgaged; provided, however, that in respect of any leasehold or term of years included herein the interest of the Trustee therein shall be subject to the provisions of section 15 of Article eight hereof.

The foregoing description of the mortgaged premises is not intended to and shall not comprise or include any branch line exceeding six miles in length now or which may be hereafter constructed, connecting with the Prairie Section, and for the construction of which authority may have been or may hereafter be obtained under any special Act nor any branch of any such branch line, whether the same shall or shall not exceed six miles in length, nor any rights or franchises now or hereafter held or enjoyed by the Pacific Company in respect of any such

branch line or branch thereof, nor any of the classes or descriptions of property above described appertaining or belonging to the branch lines or branches thereof, by this clause excepted or any of them.

To have and to hold the mortgaged premises unto the Trustee and to its successors and assigns, forever, in trust for the equal and proportionate benefit and security of all holders of the bonds and interest obligations to be issued hereunder, and secured by this indenture, and for the enforcement of the payment of said bonds and interest obligations when payable, and the performance of and compliance with the covenants and conditions of this indenture without preference, priority or distinction of one bond over any other bond issued hereunder by reason of priority in the issue or negotiation thereof, or otherwise howsoever, subject however, to any superior lien or charge upon the mortgaged premises or any part thereof created or to be created under or by virtue of any of the mortgages or deeds of trust referred to in the schedule to said chapter 100 of the statutes of 1906, and to the lien or charge of the debenture stock authorized by the said Act.

And it is hereby covenanted and declared that all the bonds secured by these presents, are to be issued, certified and delivered, and that the mortgaged premises are to be held by the Trustee, subject to the further covenants, conditions, uses and trusts hereinafter set forth.

And it is covenanted between the parties hereto and for the benefit of the respective holders, from time to time, of bonds issued hereunder, as follows, namely:—

ARTICLE THREE.

ISSUE, REGISTRATION AND APPROPRIATION OF BONDS AND THEIR PROCEEDS.

Section 1. The bonds to be issued under and secured by this indenture, together with the coupons appertaining thereto, shall be substantially of the tenor and purport above recited. In case the officers who have signed and sealed any of such bonds shall cease to be officers of the Pacific Company before the bonds so signed and sealed shall have been actually certified and delivered by the Trustee, such bonds may nevertheless be issued, certified and delivered subject to the provisions hereof, as though the persons who signed and sealed such bonds had not ceased to be officers of the Pacific Company. The coupons to be attached to such bonds shall be authenticated by the engraved signature of the Treasurer of the Pacific Company, and the said Company may adopt and use for that purpose the engraved signature of any person who shall have been such treasurer, notwithstanding the fact that such person may have ceased to be such treasurer at the time when such bonds shall be actually certified and delivered.

Section 2. All bonds to be secured hereby shall be completely signed and executed by the Pacific Company, and the guaranty of the Grand Trunk Company having been endorsed

thereon shall be delivered to the Trustee hereunder for certification, and the Trustee shall thereupon certify and deliver the same as hereinafter provided.

Section 3. All the said bonds shall be so issued that the sum or sums for which such bonds or any of them are pledged (and hereinafter referred to as the "proceeds" of the said bonds) shall from time to time as the said bonds are pledged be paid by the pledgee or pledgees thereof into such chartered bank or banks as the Minister of Finance and Receiver General of Canada may approve of (which are hereinafter collectively and distributively referred to as the "Bank"). The Bank shall receive and hold the said proceeds and any interest accruing thereon at the credit of the Minister of Finance and Receiver General of Canada, in a special account in one of the offices of the said Bank, in accordance with and subject to the provisions of section 4 of this Article. Any bonds duly certified as aforesaid shall be delivered by the Trustee to the pledgee or pledgees thereof or on their order from time to time, as directed by the Pacific Company, but only upon the receipt by the Trustee from the Bank of a certificate in writing that it has received from such pledgee or pledgees the sum for which such bonds are pledged.

Section 4. The Bank shall keep all such proceeds received by it as aforesaid at the credit of the said special account and interest upon the balances at the credit of the said account shall be credited at such times and at such rates as may be agreed upon between the Pacific Company and the Bank. As the construction of the Prairie Section is proceeded with to the satisfaction of the Government, according to the specifications agreed upon between the Government and the Pacific Company there shall be paid out of the said proceeds and interest from time to time upon the request of the Pacific Company such sums as the chief engineer appointed by the Government or such other officer as the Government may appoint for that purpose, may certify are earned, having regard to the cost, at the date of such certificate, of construction work as hereinbefore defined

Any proceeds remaining on deposit with the Bank and any interest payable on such proceeds pending the complete construction of the Prairie Section, shall, subject to payments therefrom on account of construction work as hereinbefore provided, be deemed part of the mortgaged premises.

If, upon the complete construction of the Prairie Section to the satisfaction of the Government, and the payment of all sums payable on account of construction work in respect thereof, there shall remain at the credit of the said account any balance of proceeds of the bonds issued hereunder, such balance and any interest payable thereon shall be applied on the order of the Pacific Company to the redemption from pledge of any bonds issued hereunder; and upon receiving the bonds so redeemed the Bank shall deliver the same to the Trustee, who shall forthwith cancel and destroy the same, and deliver to the Pacific Company an instrument in writing under its corporate seal, stating the numbers and amounts of the said bonds, and certifying that they have been cancelled and destroyed.

Section 5. The principal of the bonds issued under and secured by this indenture, at any one time outstanding, shall not exceed the sum of ten million dollars ($10,000,000).

Section 6. The bonds issued under and secured by this indenture shall be payable on the day of , 1919, and shall be of the denomination of one thousand dollars ($1,000), or of any multiple thereof in such proportions as the directors of the Pacific Company shall from time to time determine, and may be issued from time to time hereafter with the guaranty of the Grand Trunk Company endorsed thereon.

Section 7. Only such bonds as shall bear thereon endorsed the certificate of the Trustee, by it duly executed under the hand of its secretary or assistant secretary, shall be secured by this indenture or shall be entitled to any lien or benefit thereunder; and every such certificate of the Trustee upon any bond executed on behalf of the Pacific Company shall be conclusive evidence that the bond so certified has been duly issued hereunder, and is entitled to the benefits hereof. Before certifying or delivering any bond hereby secured, the Trustee shall cut off and cancel all coupons thereof then matured.

Section 8. Until the definitive bonds can be engraved, the Pacific Company may execute, and, upon its request, the Trustee shall certify and deliver, in lieu of such engraved bonds, and subject to the same provisions, limitations and conditions, temporary printed or lithographed bonds of the tenor of the definitive bonds, except that no coupons shall be attached to such temporary bonds. Each such temporary bond shall bear upon its face the words "Temporary Grand Trunk Pacific Railway Company Four Per Cent Mortgage Bond due 1919, exchangeable for a like face amount of engraved bonds," and shall be certified by the Trustee in like manner as hereinbefore provided for the definitive bonds, and the certificate of the Trustee shall be conclusive evidence that the bond so certified has been duly issued hereunder and that the holder is entitled to the benefit of this indenture. The guaranty of the Grand Trunk Company endorsed on such temporary bonds shall be signed by the Treasurer of the Grand Trunk Company. Such temporary bonds shall be exchangeable for definitive engraved bonds bearing such guaranty. Upon surrender of such temporary bonds for exchange, the Pacific Company at its own expense shall issue, and the Trustee shall certify and deliver in exchange therefor, engraved bonds for the same aggregate principal amount as the temporary bonds surrendered; and until so exchanged, each of such temporary bonds shall in all respects be entitled to the lien and security of this indenture as a bond issued and certified hereunder, and interest, when and as payable, shall be paid and endorsed thereon. All temporary bonds so surrendered for exchange for engraved bonds (and the guaranty thereon) shall forthwith on such surrender be cancelled by the Trustee, and having been so cancelled, shall thereafter be destroyed in the presence of a representative of the Trustee, a representative of the Grand Trunk Company, a representative of the Government and a representative of the Pacific Company, who shall respectively execute in four counterparts a certificate attesting such destruction and deliver one counterpart to the Grand Trunk Company, one counterpart to the Pacific Company, one

counterpart to the Government and one counterpart to the Trustee.

Section 9. The Pacific Company shall at all times keep at its head office in the city of Montreal suitable and appropriate books for the registering of the holders of bonds to be issued hereunder; and every holder of one or more bonds hereby secured shall be entitled, without charge, to have his name and address and the denomination and numbers of any of the said bonds held by him entered in such register, upon presenting at the said office a written statement of the said particulars, signed by himself, or his duly authorized attorney, and producing the bonds and every registration of the ownership of any bond shall be properly certified thereon. Upon the registration of any such bond the same shall cease to be transferable by delivery and shall become transferable only by the registered holder thereof in person, or by attorney duly authorized, on the books of the Pacific Company at its said office, upon production of said bond, and each transfer thereof shall be recorded by endorsement upon the said bond, unless the last preceding transfer shall have been to bearer, which shall restore the transferability of the bond by delivery; but no registration of a bond shall affect the negotiability by delivery of the coupons appertaining thereto.

Section 10. The said register shall be open at all reasonable hours to the inspection of the Trustee, of the Government, and of the Grand Trunk Company, or of any agent or officer duly appointed on behalf of the said Trustee or of the Government, or of the Grand Trunk Company, and copies shall be furnished to the Trustee, the Government, or to the Grand Trunk Company, upon request.

Section 11. The Pacific Company shall be entitled to make a reasonable charge, not exceeding one dollar, for each transfer of a registered bond.

Section 12. In case any bond issued hereunder, with the coupons thereto appertaining, shall become mutilated or be destroyed, the Pacific Company, in its discretion, may issu and thereupon the Grand Trunk Company shall guarantee an the Trustee shall certify and deliver a new bond of like tenor and date, including coupons for unpaid interest thereon, bearing the same serial number, in exchange and substitution for, and upon cancellation of the mutilated bond, and its coupons, or in lieu of and substitution for, the bond and its coupons so destroyed, upon receipt of evidence satisfactory to the Pacific Company and the Grand Trunk Company of the destruction of such bond and its coupons, and upon receipt also of indemnity satisfactory to the Pacific Company and the Grand Trunk Company, and the Pacific Company may charge for the issue of such new bond an amount sufficient to reimburse it for the expense incurred in the issue thereof.

Section 13. Nothing in this or any other Article of this indenture, expressed or implied, is intended or shall be construed to give to any person or corporation, other than the parties hereto, and the holders of bonds issued under and secured by this indenture, any legal or equitable right, remedy, or claim, under or in respect of this indenture, or under any cove-

nant, condition or provision herein contained; all its covenants, conditions and provisions being intended to be, and being for the sole and exclusive benefit of the said parties and of the holders of the bonds hereby secured.

ARTICLE FOUR.

THE GUARANTY OF THE GRAND TRUNK COMPANY.

Section 1. The Grand Trunk Company hereby agrees with the Pacific Company and the Trustee and each of them to guarantee payment of the principal and interest of the bonds to be issued under this mortgage, by endorsing upon each of said bonds its guaranty in writing in the form hereinbefore set forth, but the principal of said bonds shall not exceed the sum of ten million dollars ($10,000,000) at any one time outstanding.

Section 2. The guaranty of the Grand Trunk Company hereinbefore referred to shall constitute a liability of the said company in priority to all the share capital of the said company, whether guaranteed stock, preference stock, or ordinary stock.

Section 3. Notwithstanding anything herein contained, no liability shall attach to the Grand Trunk Company, as guarantor of bonds to be issued hereunder, except in respect of bonds upon which the Grand Trunk Company shall have endorsed its guaranty in writing as above provided.

Section 4. No extension, waiver or other modification given or granted pursuant to the provisions in this mortgage contained, of the obligations of the Pacific Company under the provisions of said bonds by the Trustee, or by all or any of the bondholders or by such bondholders and Trustee acting together, shal release or discharge the Grand Trunk Company from its obligations as guarantor of said bonds or upon its covenants herein contained.

ARTICLE FIVE.

COVENANTS OF THE PACIFIC COMPANY AND THE GRAND TRUNK COMPANY.

The following covenants are to bind the Pacific Company or the Grand Trunk Company according to the tenor thereof:—

Section 1. The Pacific Company will in every respect in accordance with the provisions of the Transcontinental Railway Acts lay out, construct and equip the Prairie Section within the period prescribed by such Acts or any extension thereof duly authorized.

Section 2. Subject to the provisions of the Transcontinental Railway Acts the Pacific Company will duly and punctually pay or cause to be paid to the holder of any first mortgage bonds issued under and secured by the indenture bearing date the 10th day of June, 1905, and set forth in schedule A to said chapter 98 of the statutes of 1905, the principal and interest accruing thereon, at the dates and place and in the manner mentioned in such bonds, and will also duly observe all the obligations in relation thereto imposed on the Pacific Company by the Trans-

continental Railway Acts, or by the said bonds, or by the said indenture.

Section 3. The Pacific Company will duly and punctually pay or cause to be paid to the holder of any bond issued in respect of the Prairie Section under and secured by the indenture bearing date the 15th day of March, 1905, set forth in schedule B to said chapter 98 of the statutes of 1905, the principal and interest accruing thereon at the dates and place and in the manner mentioned in such bonds, and will also duly observe all the obligations in relation thereto imposed on the Pacific Company by the said bonds or by the said indenture.

Section 4. The Pacific Company will duly and punctually pay, or cause to be paid, to every holder of any bond issued and secured hereunder, the principal and interest accruing thereon at the dates and places and in the manner mentioned in such bond, or in the coupons thereto belonging, according to the true intent and meaning thereof, without deduction from either principal or interest for any tax or taxes which may hereafter be imposed, levied or assessed and which the Pacific Company may be required to pay or to retain therefrom under any present or future law of the Dominion of Canada or of any province, county or municipality thereof, the Pacific Company hereby agreeing to pay all such tax or taxes.

Section 5. Whenever required by the Trustee the Pacific Company shall grant, release, convey, confirm, assign, transfer and set over unto the Trustee the estate, right, title and interest of the Pacific Company in and to all the mortgaged premises, and also will do, suffer, execute, acknowledge and deliver, or will cause to be done, suffered, executed, acknowledged and delivered, all and every such further acts, deeds, conveyances, transfers and assurances for the better assuring, conveying and confirming unto the Trustee all and singular the said mortgaged premises, as the Trustee shall reasonably require for better accomplishing the objects and purposes of this indenture, and for securing payment of the principal and interest of the bonds intended to be hereby secured, subject, however, in all cases to the prior or superior lien or charge created by any mortgage or deed of trust mentioned in the schedule to said chapter 100 of the statutes of 1906, and of the debenture stock authorized by the said Act to be issued, and especially will, if required by the Trustee, as soon as practicable, execute by way of further assurance a supplementary deed or deeds of mortgage, containing if necessary, a more definite description of the property intended to be covered by this mortgage or deed of trust.

Section 6. The Pacific Company shall be primarily liable to pay the interest as well as the principal upon all of the said bonds, but, if default shall be made by the Pacific Company in the payment thereof, or any part thereof, the Grand Trunk Company shall pay the same and shall take up the coupons representing such interest; and any moneys so paid by the Grand Trunk Company under its guarantee, whether for principal or interest of the said bonds, shall be held to have been paid in discharge of the liability of the Grand Trunk Company, but not in discharge of the liability of the Pacific Company with respect to the said bonds, and any money so paid by the

Grand Trunk Company shall continue to be a charge under this mortgage and the Grand Trunk Company shall be subrogated *pro tanto* to all the rights of the holders of the said bonds, the interest upon or the principal of which shall have been paid by the Grand Trunk Company, and shall, as regards such bonds be, in all respects, in the position of holders of bonds in respect of which default has been made, and may exercise all the rights of such holders under this mortgage so long as it shall continue to pay, according to the tenor and effect thereof, the interest upon bonds of which the principal is not due, and so long as there shall not be any other default of the Pacific Company upon such bonds or in the performance of any of the covenants contained herein with respect to such holders of bonds continuing beyond any period of grace provided for in these presents.

Section 7. Notwithstanding anything herein contained this mortgage is subject, in the first instance, to the payment of any penalty which may now or hereafter be imposed upon the Pacific Company for non-compliance in respect of the Prairie Section with the requirements of "The Railway Act" and to the payment of working expenditure, as hereinbefore defined.

Section 8. The Pacific Company shall acquire adequate terminals and terminal facilities for the proper operation of the Prairie Section and shall operate the said Section and keep the same and all the rolling stock, plant, machinery, works, fixtures, implements, utensils and other effects covered by this mortgage and every part thereof, in a good state of repair and in proper working order and condition, and shall, from time to time, provide such substituted or additional rolling stock, plant, machinery, works, fixtures, fittings, implements, utensils and other effects as may be required for the proper and efficient operation of the Prairie Section, and all such substituted or additional rolling stock, plant, machinery, works, fixtures, fittings, implements, utensils and other effects shall be subject in all respects to the trusts of this indenture; and the Pacific Company covenants and agrees that it will duly execute and deliver to the Trustee any and all instruments necessary or proper to subject such substituted or additional property to the lien of these presents.

Section 9. The Pacific Company shall, during the continuance of this security, carry on and conduct its business in a proper and efficient manner, and for the purposes of this security keep such proper books of account as will disclose the true state of the accounts of construction work, working expenditure, tolls and revenues and other accounts in respect of the Prairie Section as distinguished from other portions of its railway, and from time to time, give to the Trustee or holder of any of the bonds issued hereunder any information which may reasonably be required relating to the affairs of the Pacific Company.

Section 10. The Pacific Company covenants and agrees that it has not created or suffered to be created, and that it will not create or voluntarily suffer to be created, any lien or charge having priority to or preference over the lien or charge created by these presents upon the mortgaged premises, or any part thereof, or upon the income thereof, save and except any lien

or charge thereon created by the several mortgages or deeds of trust referred to in the schedule to said chapter 100 of the statutes of 1906, and the lien or charge of the debenture stock authorized to be issued under the provisions of the said Act, and that if any lien or charge shall hereafter arise or be created or take effect upon the mortgaged premises or any part thereof, contrary to the terms of this covenant, the Pacific Company will, within three months after the same shall have accrued, pay or cause to be paid and discharged, or will make adequate provision for the satisfaction and discharge of every such lien or charge, and that it will punctually pay and discharge all lawful claims and demands of materialmen, mechanics, labourers and others, which, if unpaid, might operate as a lien or charge upon the mortgaged premises or any part thereof, or the income thereof: Provided however, that nothing in this indenture contained shall be construed so as to prevent the Pacific Company from acquiring on credit rolling stock subject to agreement that the property therein is not to pass until payment therefor is made in full, which agreement shall, according to the terms thereof, be valid, and the Pacific Company covenants and agrees that it will itself punctually pay all claims and demands upon such rolling stock, according to the terms of any such agreement.

Section 11. The Pacific Company further covenants that it will from time to time pay and discharge all rates, taxes, levies, charges and assessments whatsoever lawfully imposed upon the mortgaged premises, or upon any part thereof, or upon the income and profits thereof, the lien arising out of which would be prior to the lien hereby created so that the charge created by this indenture shall be fully preserved in respect of such premises.

Section 12. The Pacific Company further covenants and agrees that there shall not be issued hereunder and at any one time outstanding bonds in excess of the principal amount of ten million dollars, and that it will not issue, negotiate, sell or dispose of any bonds hereby secured in any manner other than in accordance with the provisions of this indenture.

ARTICLE SIX.

POSSESSION UNTIL DEFAULT AND RELEASE.

Section 1. Until default shall have been made in the due and punctual payment of the interest or of the principal of the bonds hereby secured, or of some part of such interest or principal or in the due and punctual performance and observance of some covenant or condition hereof obligatory upon the Pacific Company, and until such default shall have been continued beyond the period of grace, if any, herein provided in respect thereof, the Pacific Company, its successors and assigns, shall be suffered and permitted to retain actual possession of all the mortgaged premises, and to manage, operate and use the same and every part thereof, with the rights and franchises appertaining thereto, and to collect, receive, take, use and enjoy the tolls, earnings, income, rents, issues and profits thereof.

Section 2. If, when the bonds hereby secured shall have become due and payable the Pacific Company shall well and truly pay, or shall cause to be paid, the whole amount of the principal and interest due upon all of the said bonds then outstanding, and the coupons for interest thereon, or shall provide for such payment by depositing with the Trustee hereunder for the payment of such bonds and coupons the entire amount due thereon for principal and interest, then and in that case all the mortgaged premises shall revert to the Pacific Company, and the estate, right, title and interest of the Trustee shall thereupon cease, determine and become void, and the Trustee on demand of the Pacific Company and at its cost and expense, shall execute a release and discharge of this mortgage and shall deliver to the Pacific Company, its successors and assigns, all the mortgaged premises and all securities, moneys, books, documents and other chattels and things held by it as Trustee hereunder.

ARTICLE SEVEN.

RELEASES OF MORTGAGED PROPERTY.

Section 1. Upon the written request of the Pacific Company, approved by resolution of its Board of directors or executive committee, the Trustee from time to time, while the Pacific Company is in possession of the mortgaged premises, but subject to the conditions and limitations in this Article prescribed, and not otherwise, shall release from the lien and operation of this indenture any part of the mortgaged premises then subject thereto; provided (1) that no part of the line of railway or of the right of way of the Prairie Section shall be released, unless the same shall no longer be of use in the operation of any part of the mortgaged premises, and no part of such line of railway or of the right of way shall be so released if thereby the continuity of the railway between the termini of the Prairie Section shall be broken; and (2) that no part of the mortgaged premises shall be released hereunder, unless at the time of such release it shall no longer be necessary or expedient to retain the same for the operation, maintenance or use of the Prairie Section or for use in the business of the Pacific Company in respect of the said Section.

Section 2. No such release shall be made under this Article unless the Pacific Company shall have sold, or shall have contracted to exchange for other property, or to sell, the property so to be released, and the proceeds of any and all such sales shall be set apart and held in trust, and applied, with the consent and approval of the Trustee, to the purchase of other property, real or personal, or in betterments of or additions to the equipment or to the rolling stock, or otherwise in the improvement of some part of the mortgaged premises.

Section 3. Any new or additional property acquired by the Pacific Company in the place of any property released under this Article, shall immediately become and be subject to the

lien created by this indenture, as fully as the property specially described herein, and if requested by the Trustee the Pacific Company shall convey the same to the Trustee, by appropriate deed or deeds, upon the trusts and for the purposes of this indenture.

Section 4. The Pacific Company, while in possession of the mortgaged premises, shall also have full power, in its discretion, from time to time, to dispose of any portion of the machinery, implements, tools, plant and equipment at any time held subject to the lien hereby created which may have become unfit for use, replacing the same by the new machinery, tools, plant and equipment, which shall forthwith become subject to the lien created by this indenture.

Section 5. The purchaser or purchasers of any property sold or disposed of under any provision of this Article shall not be required to see to the application of the purchase money or be responsible for the misapplication or non-application thereof.

Section 6. In case the mortgaged premises shall be in the possession of a receiver lawfully appointed under the provisions hereof, the powers in and by this Article conferred upon the Pacific Company may be exercised by such receiver with the approval of the Trustee; and, if the Trustee shall be in possession of the mortgaged premises under the provisions hereof, then all such powers may be exercised by the Trustee in its discretion.

ARTICLE EIGHT.

REMEDIES OF TRUSTEE AND BONDHOLDERS.

Section 1. In case the Pacific Company and the Grand Trunk Company, shall make default in the payment of any interest on any bond or bonds hereby secured, or in case the Pacific Company shall make default in the performance of any of the covenants contained in section 10 of Article five hereof, and any such default shall have continued for a period of six months, then and in every case of such continuing default, the Trustee, if so requested in writing by the holders of a majority in value of the bonds shall, by notice in writing delivered to the Pacific Company, declare the principal of all bonds hereby secured then outstanding to be due and payable immediately, and upon any such declaration the same shall become and be immediately due and payable, anything in this indenture or in said bonds contained to the contrary notwithstanding. This provision, however, is subject to the condition that if, at any time after the principal of said bonds shall have ve been so declared due and payable, all arrears of interest upon all such bonds, with interest at the rate of four per centum per annum on overdue installments of interest, and the expenses of the Trustee, shall either be paid by the Pacific Company, or be collected out of the mortgaged premises before any sale thereof shall have been made, then and in every such case, such default and its consequences may be waived by the Trustee, with the

consent of the holders of a majority in value of the bonds; but no such waiver shall extend to or effect any subsequent default, or impair any right consequent thereon.

Section 2. (*a*) In case the Pacific Company and the Grand Trunk Company shall make default in the payment of any interest on any bond or bonds secured by this indenture, or in case the Pacific Company shall make default in the performance of any of the covenants contained in section 10 of Article five of this indenture, and any such default shall have continued for a period of six months:

(*b*) Or in case the Pacific Company shall make default in the due and punctual payment of the principal of any bond hereby secured:

(*c*) Or in case the Pacific Company shall make default in the due observance or performance of any other covenant or condition herein required to be observed, kept or performed by the Pacific Company, and any such default under this clause (*c*) hereof shall have continued for a period of six months after written notice thereof from the Trustee:

Then, and in each and every such case, the Trustee by its officers, agents or attorneys, may (but if under clauses (*a*) or (*b*) only with consent of the Grand Trunk Company in case such Company shall have paid under its said guaranty of said bonds all interest and principal due thereunder) exercise each and every of the remedies, trusts and powers following:—

A. It may enter into and upon all or any part of the mortgaged premises, and may exclude the Pacific Company, its agents and servants, wholly therefrom, and having and holding the same, may use, operate, manage and control the said mortgaged premises, and conduct the business thereof by its superintendents, managers, receivers, agents and servants or attorneys, to the best advantage of the holders of the bonds hereby secured, and upon every such entry the Trustee, subject to the payment of working expenditure, shall have the right to manage the mortgaged premises, and to carry on the business and exercise all the rights and powers of the Pacific Company in relation thereto, either in the name of the Pacific Company or otherwise, as the Trustee shall deem best; and the Trustee shall be entitled to collect and to receive all tolls, earnings, income, rents, issues and profits of the same, and every part thereof; and after payment of working expenditure and any other proper prior charges upon the said mortgaged premises or any part thereof, as well as just and reasonable compensation for its own services and for the services of all agents, clerks, servants and other employees by it necessarily and properly engaged and employed, it shall apply the moneys arising as aforesaid, as follows:—

(1). In case the principal of the bonds hereby secured shall not have become due, to the payment of the interest in default, in the order of the maturity of the instalments of such interest with interest thereon at the rate of four per centum per annum, such payments to be made rateably to the persons entitled thereto, without discrimination or preference.

(2). In case the principal of the bonds hereby secured shall have become due, by declaration or otherwise first, to the payment of the accrued interest (with interest on the overdue

instalments thereof at the rate of four per centum per annum) in the order of the maturity of the instalments, and then to the payment of the principal of all bonds hereby secured, such payments to be made rateably to the persons entitled thereto, without any discrimination or preference.

B. It may, with or without entry, by its officers, agents or attorneys, in its discretion, (*a*) sell to the highest and best bidder all and singular the mortgaged premises, and any such sale or sales shall be made at public auction in the city of Montreal, in the Dominion of Canada, or in such other place and at such time and upon such terms as the Trustee may fix and specify in the notice of sale to be given as herein provided; or (*b*) immediately upon the expiration of the six months in the two cases in which a continuance of default for six months is required before taking proceedings, and immediately upon default in payment of principal in the other case, it may proceed to protect and enforce its rights and the rights of the bondholders under this indenture, by a suit or suits at law or in equity, whether for the specific performance of any covenant or agreement contained herein, or in aid of the execution of any power herein granted, or for the foreclosure of this indenture, or for the enforcement of such other appropriate legal or equitable remedy, as the Trustee, being advised by counsel learned in the law, shall deem most effectual to protect and enforce any of its rights or duties hereunder.

C. It may, with or without entry, in its discretion lease the whole or any part of the mortgaged premises for such term or terms as it may deem expedient.

Section 3. In case the Trustee shall have proceeded to enforce any right under this indenture by foreclosure, sale, entry or otherwise, and such proceedings shall have been discontinued or abandoned because of a waiver, or for any other reason, or shall have been determined adversely to the Trustee then and in every such case, the Pacific Company and the Trustee shall severally and respectively be restored to their former position and rights hereunder in respect of the mortgaged premises and all the rights, remedies and powers of the Trustee shall continue as though no such proceedings had been taken.

Section 4. Upon receiving from the holders of a majority in value of the bonds hereby secured a written request to that effect, and upon being indemnified as hereinafter provided, it shall be the duty of the Trustee to take all proper and necessary steps for the protection and enforcement of its rights and the rights of the holders of the bonds hereby secured, and to exercise the powers of entry or sale herein conferred, or both, or to take such appropriate proceedings by action, suit or otherwise, as the Trustee, being advised by counsel learned in the law, shall deem most expedient.

Section 5. The holders of a majority in value of the bonds hereby secured shall have the right to direct and control the method and place of conducting any and all proceedings for any sale of the mortgaged premises, or the foreclosure of this mortgage, or the appointment of a receiver, or any other proceeding hereunder, and in the event of any sale, whether made under the power of sale hereby granted and conferred, or under or by virtue of judicial proceedings to direct that the mortgaged

preimses shall be sold in one parcel and as an entirety, or in such parcels as they may deem best.

Section 6. Notice of any such sale, pursuant to any provision of this indenture, shall state the time and place when and where the same is to be made, and shall contain a brief general description of the property to be sold and shall be sufficiently given if published once in each week for four consecutive weeks prior to such sale in the "Canada Gazette," in a newspaper published in the city of Montreal, in a newspaper published in London, England, and in a newspaper published in the city of New York, respectively.

Section 7. The Trustee may from time to time adjourn any sale to be made by it under the provisions of this indenture by announcement at the time and place appointed for such sale, or for such adjourned sale, and may without further notice or publication make such sale at the time and place to which the same shall be so adjourned.

Section 8. Upon the completion of any sale or sales under this indenture, the Trustee shall execute and deliver to the accepted purchaser or purchasers a good and sufficient deed, or good and sufficient deeds of conveyance of the property and franchises sold. The Trustee and its successors are hereby appointed the true and lawful attorney or attorneys, irrevocable, of the Pacific Company, in its name and stead to make all necessary deeds of conveyance of property thus sold, the Pacific Company hereby ratifying and confirming all that its said attorney or attorneys shall lawfully do by virtue hereof.

Section 9. Any such sale or sales made under or by virtue of this indenture, whether under the power of sale hereby granted and conferred, or under or by virtue of judicial proceedings, shall operate to divest all right, title, interest, claim and demand whatsoever, either at law or in equity of the Pacific Company of, in and to the premises sold, and shall be a perpetual bar, both at law and in equity, against the Pacific Company, its successors and assigns, and against any and all persons claiming or to claim the premises sold, or any part thereof, from, through or under the Pacific Company, its successors or assigns, except persons claiming under or by virtue of the prior or superior liens or charges hereinbefore referred to, or any of them, and to which this mortgage is made subject.

Section 10. The personal property and chattels conveyed, or intended to be conveyed, by or pursuant to this indenture, shall be deemed to be part of the realty for all purposes of this indenture, and shall be held and taken to be fixtures of the Prairie Section, and are to be sold therewith, and not separate therefrom, except as herein otherwise provided.

Section 11. The receipt of the Trustee shall be a sufficient discharge to any purchaser of the property, or any part thereof sold as aforesaid, for the purchase money, and no such purchaser, or his agents, grantees or assigns, shall be bound to see to the application of such purchase money upon or for any trust or purpose of this indenture, or shall in any manner whatsoever be answerable for any loss, misapplication or non-application of any purchase money, or any part thereof, or be bound to enquire as to the authorization, necessity, expediency or regularity of any such sale.

Section 12. In case of such sale, whether under the power of sale hereby granted or pursuant to judicial proceedings, the principal of all the bonds hereby secured, if not previously due, shalli mmediately thereupon become and be due and payable, anything in said bonds or in this indenture contained to the contrary notwithstanding.

Section 13. The purchase money, proceeds and avails of any sale hereunder, whether under the power of sale hereby granted or pursuant to judicial proceedings, together with any other sums which may then be held by the Trustee under any of the provisions of this indenture as part of the trust estate or of the proceeds thereof shall be applied as follows:—

(1) In the payment of the costs and expenses of such sale, including reasonable compensation to the Trustee, its agents, attorneys and counsel, and of all expenses, liabilities and advances necessarily made or incurred by the Trustee and of working expenditure as hereinbefore defined and in the payment of liens prior to the lien created by these presents, except any taxes, assessments or other superior liens to which such sale shall have been made subject.

(2) In case the net proceeds of such sale shall be sufficient, in the payment of the whole amount then owing or unpaid for principal and interest, upon the bonds hereby secured, with interest at the rate of four per cent per annum on the overdue instalments of interest, and in case such proceeds shall be insufficient to pay in full the whole amount so due and unpaid upon the said bonds, then in the payment of such principal and interest, without preference or priority of principal over interest, or of interest over principal, or of any instalment of interest over any other instalment of interest, rateably to the aggregate of such principal and of the accrued and unpaid interest.

(3) The surplus, if any, shall be paid to the Pacific Company, its successors or assigns, or to such person or company as may be lawfully entitled to receive the same.

Section 14. In case of any sale hereunder any bondholder who becomes a purchaser shall be entitled to tender in payment on account of such purchase any bonds hereby secured and any matured and unpaid coupons appertaining thereto, and shall be credited, on account of the purchase price of the property purchased, with the sum, if any, payable out of the net proceeds of such sale on the bonds and coupons so tendered, or on the overdue coupons, as the case may be, and the amount so credited shall be endorsed thereon.

Section 15. In case there shall be any judgment outstanding against the Pacific Company then presently enforceable or in case in any judicial proceeding by any party other than the Grand Trunk Company or the Trustee, a receiver shall be appointed in respect of the mortgaged premises or a judgment be entered or order made for the sequestration of any part of the mortgaged premises, the Trustee shall thereupon be entitled forthwith to exercise the right of entry herein conferred, and also any and all other rights and powers herein conferred and provided to be exercised by the Trustee upon the concurrence and continuance of default as hereinbefore provided, and, as a matter of right, the Trustee shall thereupon be entitled to the appoint-

ment of a receiver and manager of the mortgaged premises, with such powers as the court making such appointment shall confer: Provided that the right of entry and other rights and powers to be exercised by the Trustee hereunder shall not arise under this section by reason or on account of the taking possession of the mortgaged premises by an agent or manager appointed by the Government pursuant to the provisions of the Scheduled Agreements.

Section 16. It is hereby declared that the last three days of any term of years reserved by any lease, verbal or written, or any agreement therefor now held or hereafter acquired by the Pacific Company, and whether falling within a general or specific description of property hereunder, are hereby excepted out of the assignment or transfer of such lease or agreement hereby made, and do not and shall not form part of the mortgaged premises.

And it is hereby further declared and agreed that after any sale made under the powers herein contained of any leasehold interest forming part of the mortgaged premises, the Pacific Company shall stand possessed of the premises sold for the last three days of the term granted by the lease thereof or agreement therefor, in trust for the purchaser or purchasers, his or their executors, administrators and assigns, to be assigned and disposed of as he or they may direct.

Stction 17. With the consent of the Trustee the Pacific Company may, at any time before the full payment of the principal and interest of the bonds hereby secured, and whenever it shall deem it expedient for the better protection and security of such bonds, although there may be then no default entitling the Trustee to enter into possession, surrender and deliver to the Trustee full possession of the whole or any part of the mortgaged premises, for any fixed period or indefinite. Upon such surrender and delivery to the Trustee with its consent the Trustee shall enter into and upon the premises so surrendered and delivered, and shall take and receive possession thereof, for such period, without prejudice however to its rights at any time subsequently, when entitled thereto by any provision hereof, to insist upon and maintain such possession though beyond the the expiration of any prescribed period. Upon any such voluntary surrender and delivery of said mortgaged premises, or of any part thereof, the Trustee, from the time of its entry, shall work, maintain, use, manage, control and employ the same in accordance with the provisions of this indenture, and shall receive and apply the income and revenues thereof as provided in section 2 of this Article.

Section 18. No holder of any bond or coupon hereby secured shall have any right to institute any action, suit or proceeding at law or in equity for the foreclosure or sale of the mortgaged premises, or for the execution of any trust of this indenture, or for the appointment of a receiver, or for any other remedy, hereunder, unless such holder shall have previously given to the Trustee written notice of such default and of the continuance thereof as hereinbefore provided; nor unless the holders of a majority in value of the bonds shall in writing have requested the Trustee to proceed to exercise the powers hereinbefore granted,

or to institute such action, suit or proceeding in its own name, and the Trustee shall have had a reasonable opportunity thereafter to take such action; nor unless also, there shall have been offered to the Trustee adequate security and indemnity against the costs, expenses and liabilities to be incurred therein or thereby; and such notification, request and offer of indemnity are hereby declared in every such case, at the option of the Trustee to be conditions precedent to the execution of the powers and trusts of this indenture and to any action or cause of action for foreclosure or sale, or for the appointment of a receiver or manager, or for any other remedy hereunder; it being understood and intended that no holder or holders of bonds shall have any right in any manner whatever to affect, disturb or prejudice the lien created by this indenture by his or their action, or to enforce any right hereunder, except in the manner herein provided, and that all proceedings at law or in equity shall be instituted, had and maintained in the manner herein provided and for the equal benefit of all holders of such outstanding bonds.

Section 19. Except as herein expressly provided to the contrary, no remedy herein conferred upon, or reserved to the Trustee, or to the holders of the bonds hereby secured, is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder, or now or hereafter existing at law or in equity or by statute.

Section 20. No delay or omission of the Trustee, or of any holder of the bonds hereby secured, to exercise any right or power accruing upon any default continuing as aforesaid shall impair any such right or power or shall be construed to be a waiver of any such default, or an acquiescence therein; and every power and remedy given to the Trustee or to the holders of bonds may be exercised form time to time and as often as may be deemed expedient by the Trustee or by the bondholders respectively.

ARTICLE NINE.

CONCERNING THE TRUSTEE.

Section 1. The Pacific Company shall pay all costs, charges and expenses necessarily and properly incurred by the Trustee in performing the trusts herein contained, including therein remuneration of the Trustee, and remuneration, salary or fees necessarily and properly paid by the Trustee to any counsel, solicitors, attorneys, agents or other persons employed by it, and also (in addition to any right of indemnity by law given to the Trustee) shall at all times keep indemnified the Trustee against all actions, proceedings, costs, claims and demands in respect of any matter or thing lawfully done or omitted in any wise relating to the trusts hereby created. The Trustee may retain and pay to itself out of any moneys in its hands, subject to the trusts hereof, the amount of such remuneration as for the time being may be due to it, and of such costs, charges and expenses as aforesaid.

Section 2. All costs, charges and expenses incurred and payments made by the Trustee or by its agents, attorneys or servants, in the lawful exercise of the powers hereby conferred, including such remuneration, salary or fees as shall necessarily and properly be paid to any counsel, solicitor, attorney, agent or other person employed by it, shall be payable by the Pacific Company on demand, and all such costs, charges, expenses and payments, and any interest thereon, and all remuneration payable to the Trustee hereunder shall be a charge on the mortgaged premises.

Section 3. The Trustee shall not be bound to take any step to enforce the performance of any of the covenants on the part of the Pacific Company in these presents contained unless upon request in writing by the holders of a majority in value of the bonds hereby secured, and then only upon being indemnified to its satisfaction against all actions, proceedings, claims, and demands to which it may render itself liable, and all costs, charges, damages and expenses which it may incur by so doing.

Section 4. Except as herein otherwise provided, the Trustee may, with the consent of the Grand Trunk Company, from time to time and at any time waive, on such terms and conditions as to it shall deem expedient, any breach by the Pacific Company of any of the covenants in these presents contained, and no waiver by the Trustee of any breach of any covenant or condition of this indenture shall affect or impair the right of the Trustee to enforce such covenant or condition in case of any subsequent breach thereof.

Section 5. The Trustee shall not be liable for or by reason of any failure or defect of title to, or any encumbrance upon, the mortgaged premises, or for or by reason of the statements of fact or recitals in this mortgage or in the bonds contained, or be required to verify the same, but all such statements and recitals are and shall be deemed to have been made by the Pacific Company only.

Section 6. The Trustee shall not be responsible for any neglect or default on the part of any servant or agent appointed by it, if selected with reasonable care, nor for any error or mistake made in good faith.

Section 7. The Trustee may be removed at any time and a successor appointed by written notice delivered to the Trustee and to such successor, signed by or on behalf of the holders of a majority in value of the bonds issued hereunder; but no such removal shall be made before default hereunder without the written consent of the Pacific Company and the Grand Trunk Company.

Section 8. The Trustee or any trustee hereafter appointed may resign from the trusts created by this indenture, by giving notice in writing of such resignation to the Pacific Company and to the Grand Trunk Company and by publication of such notice at least once a week for four successive weeks in the "Canada Gazette," and in a newspaper published in the city of Montreal.

Section 9. In case the Trustee or any trustee hereafter appointed shall at any time resign, or otherwise become incapable of acting, or in case there shall be at any time a vacancy in the

office of the trustee hereunder, the Pacific Company and the Grand Trunk Company shall forthwith by instrument in writing, appoint a trustee to fill such vacancy: Provided that if at any time within six months after such appointment the holders of a majority in value of the bonds issued hereunder shall in writing appoint another trustee, any trustee previously appointed by the Pacific Company and the Grand Trunk Company shall immediately and without further act be superseded by the Trustee so appointed by such holders of bonds.

Section 10. Any new trustee appointed as hereinbefore provided shall execute, acknowledge and deliver to the trustee last in office, and also to the Pacific Company, an instrument accepting such appointment hereunder, and thereupon such new trustee, without any further act, deed or conveyance, shall become vested with all the estates, properties, rights, powers, trusts, duties and obligations of the trustee under this indenture with like effect as if originally named as trustee herein, but the trustee ceasing to act shall, nevertheless, on the written request of the new trustee, execute and deliver an instrument transferring to such new trustee, upon the trusts herein expressed, all interest in the said estates, properties, rights, powers and trusts of the trustee so resigning or removed, and upon the request of any such new trustee the Grand Trunk Company and the Pacific Company shall make, execute, acknowledge and deliver any and all deeds, conveyances or instruments in writing, for more fully and certainly vesting in and confirming to such new trustee all such estates, properties, rights, powers and trusts.

Upon every such appointment of a new trustee as aforesaid, the trust property shall, if and so far as the nature of the property and other circumstances shall require or admit, be deemed to be transferred, so that the same shall without further or other conveyance or assignment be vested in such new trustee for the time being.

ARTICLE TEN.

ACCEPTANCE OF TRUST, EXECUTION AND DEPOSIT OF MORTGAGE.

Section 1. The Royal Trust Company, party hereto of the second part, hereby accepts the trusts in this indenture declared and provided, as herein set forth.

Section 2. This indenture may be executed in five counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same instrument.

Section 3. One of the counterparts of this indenture when executed shall be deposited by the Pacific Company in the office of the Secretary of State for the Dominion of Canada, and notice thereof shall be given by the Pacific Company in the "Canada Gazette" immediately after such deposit, and this indenture is not required to be registered elsewhere or in any other manner.

In witness whereof the parties hereto of the first, second, and third parts have duly caused these presents to be executed and their respective corporate seals to be hereunto affixed the day and year first above written.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 128.

An Act to authorize a loan to the Grand Trunk Pacific Railway Company.

First reading, April 6, 1909.

MR. FIELDING.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 131.

An Act to amend the Canada Shipping Act.

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

1. The French version of section 851 of *The Canada Shipping Act*, chapter 113 of the Revised Statutes, 1906, is amended by adding at the end thereof the words "et il peut aussi nommer des adjoints du maître de havre à tout tel port." R.S., c. 113, s. 851. French version amended.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 131.

An Act to amend the Canada Shipping Act.

First reading, April 13, 1909.

MR. BRODEUR.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 136.

An Act to amend the Post Office Act.

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

R.S., c. 66 amended.

New s. 37.

1. Section 37 of *The Post Office Act*, chapter 66 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:—

Civil Service Act not to apply in certain cases.

"**37.** This Act, instead of *The Civil Service Act*, shall apply to every person appointed messenger, porter, letter carrier, mail transfer agent or box collector in the outside division of the Post Office Department."

New s. 39.

2. Section 39 of the said Act is repealed and the following is substituted therefor:—

Salaries.

"**39.** The salaries of those in grade A shall be at the rate of one dollar and seventy-five cents per day; of those in grade B, at the rate of two dollars per day; of those in grade C, at the rate of two dollars and twenty-five cents per day; of those in grade D, at the rate of two dollars and fifty cents per day; and of those in grade E, at the rate of two dollars and seventy-five cents per day."

Section 51 repealed.

3. Section 51 of the said Act is repealed.

Eligibility for appointment.

4. No person over thirty years of age, other than those at present temporarily in the post office service, shall be eligible for appointment as clerk, messenger, porter, letter carrier, mail transfer agent or box collector, in the outside division of the Post Office Department.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 136.

An Act to amend the Post Office Act.

First reading, April 14, 1909.

MR. LEMIEUX.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 137.

An Act to amend the Civil Service Act.

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

1. Schedule B of *The Civil Service Act*, chapter 16 of the Revised Statutes, 1906, is amended by striking out the heading "*Clerks in City Post Offices, and the Offices of Post Office Inspectors and Superintendents of Railway Mail Service,*" and the next following paragraph, and substituting therefor the following:— R.S., c. 16, sch. B amended.

"*Clerks in City Post Offices, Offices of Post Office Inspectors and Superintendents of Railway Mail Service, and in the Money Order Exchange Office.*

"Stampers and sorters on appointment, five hundred dollars; by annual increases of fifty dollars up to six hundred dollars. If any stamper and sorter is promoted to the fourth class, his initial salary as such fourth class clerk shall be not less than his salary as such stamper and sorter at the time of such protion, and if the salary of any stamper and sorter is at present less than five hundred dollars it shall forthwith be increased to that minimum.

"Fourth class on appointment, five hundred dollars; by annual increases of one hundred dollars up to seven hundred dollars. If the salary of any fourth class clerk is at present less than five hundred dollars, it shall forthwith be increased to that minimum."

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 137.

An Act to amend the Civil Service Act.

First reading, April 14, 1909.

MR. LEMIEUX.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 146.

An Act to amend the Act relating to Ocean Steamship Subsidies.

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

1. Chapter 68 of the statutes of 1908 is repealed, and the following is enacted as section 4 of chapter 2 of the statutes of 1889, intituled *An Act relating to Ocean Steamship Subsidies:*— 1908, c. 68 repealed. 1889, c. 2, new s. 4.

"**4.** The Governor in Council may enter into a contract or contracts for a term or terms not exceeding in all ten years with any individual or company, for the performance of a steamship service between a port or ports in Canada and a French port or ports, on such terms and conditions as the Governor in Council deems expedient, and may grant therefor a subsidy not exceeding two hundred thousand dollars a year, based upon a minimum service of fifteen round voyages a year, and a subsidy therefor not exceeding one hundred thousand dollars, and so in proportion for a more frequent service. Steamship service between Canada and France.

"2. The amount required for the payment of this subsidy shall be paid out of the Consolidated Revenue Fund of Canada." Fund for payment of subsidy.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 146.

An Act to amend the Act relating to Ocean Steamship Subsidies.

First reading, April 16, 1909.

MR. BRODEUR.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 147.

An Act to amend the Cold Storage Act.

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

1907, c. 6, s. 2 amended.

Cold storage warehouses.

1. Section 2 of *The Cold Storage Act*, chapter 6 of the statutes of 1907, is amended by striking out the last three words thereof and substituting therefor the words "any food product."

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 147.

An Act to amend the Cold Storage Act.

First reading, April 19, 1909.

MR. FISHER.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 148.

An Act to amend the Criminal Code.

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 Criminal Code Amendment Act, 1909.* Short title.

2. *The Criminal Code*, chapter 146 of the Revised Statutes, 1906, is hereby amended in the manner set forth in the following schedule:— R.S., c. 146 amended.

SCHEDULE.

Section 2.—By repealing paragraph 31 thereof and substituting the following paragraph:— S. 2 amended.

"(31) 'prize fight' means an encounter or fight, with fists or hands, either with or without gloves, between two persons who have met for the purpose by previous arrangement made by or for them or for such encounter or fight." "Prize fight."

Note.—The words "either with or without gloves" and the words "or for such encounter or fight" are new.

Sections 123 and 124.—By repealing them and substituting therefor the following sections:— New sections 123, 124.

"**123.** Every one who carries about his person any bowie-knife, dagger, dirk, metal knuckles, skull crackers, slung shot, or other offensive weapon of a like character, or secretly carries about his person any instrument loaded at the end, or sells or exposes for sale, publicly or privately, any such weapon; or, being masked or disguised, carries or has in his possession any firearm or air gun, is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding fifty dollars and not less than ten dollars, or to imprisonment for any term not exceeding three months, with or without hard labour, or to both, and in default of payment of such penalty, to a term or a further term of imprisonment not exceeding three months, with or without hard labour. Carrying offensive weapons. Sale. Penalty.

"**124.** Every one, not being thereto required by his lawful trade or calling, who is found in any town or city carrying about his person any sheath-knife is liable, on summary conviction before two justices, to a penalty not exceeding fifty dollars, and not less than ten dollars, or to imprisonment for any term not Carrying sheath knife in town or city.

exceeding three months, with or without hard labour, or to both and in default of payment of such penalty, to a term or a further term of imprisonment not exceeding three months, with or without hard labour."

Note.—Carrying offensive weapons. In view of the character and prevalence of this offence it is desirable to increase the severity of the punishment which at present consists of a pecuniary penalty, with imprisonment only in default of payment.

S. 207 amended.

Section 207.—By repealing paragraph (*a*) of subsection 1 thereof and substituting the following paragraph:—

Obsene or immoral books or pictures.

"(*a*) makes, manufactures, or sells, or exposes for sale or to public view, or distributes or circulates, or causes to be distributed or circulated, *or has in his possession for sale, distribution or circulation, or assists in such making, manufacture, sale, exposure, having in possession, distribution or circulation,* any obscene book or other printed, typewritten or otherwise written matter, or any picture, photograph, model or other object tending to corrupt morals, *or any plate for the reproduction of any such picture or photograph.*"

Note.—The words in *ita'ics* are new.

S. 216 amended.

Section 216.—By striking out the word "two" in the second line thereof and substituting the word "five."

Note.—Would increase the maximum punishment for procuring from two years' to five years' imprisonment.

Section added.

By inserting immediately after section 227 the following section:—

"Opium joint."

"**227**A. An opium joint is a house, room or place to which persons resort for the purpose of smoking or inhaling opium."

Note.—This clause and clause 642A and the proposed amendments to section 228 may be regarded as complementary to chapter 52 of the statutes of 1908.

S. 228 amended.

Section 228.—By repealing subsection 1 thereof and substituting the following subsection:—

Disorderly house.

"Everyone is guilty of an indictable offence and liable to one year's imprisonment who keeps any disorderly house, that is to say, any common bawdy-house, common gaming-house, common betting-house *or opium joint,* as hereinbefore defined."

Note.—See note to 227A. The words in *italics* are new.

Section added.

By inserting immediately after section 228 the following section:—

Inmate or frequenter of bawdy house.

"**228**A. Every one is guilty of an indictable offence and liable to six months' imprisonment who is an inmate or habitual frequenter of a common bawdy house."

Note.—This offence under the Code is punishable on summary conviction. It is, however, treated as an indictable offence in Part XVI, "Summary trial of Indictable offences." It is no doubt indictable at common law, and for the sake of uniformity it is proper that it should be made indictable by an express provision in the Code (*see* the proposed amendments to sections 773 and 774).

New s. 313.

Section 313.—By repealing it and substituting the following section:—

Abduction of a woman.

"**313.** Every one is guilty of an indictable offence and liable to ten year's imprisonment who, against her will, takes away or detains any woman of any age and whether married or not,

with intent to marry or carnally know such woman or to cause her to be married or carnally known by any other person."

Section 314.—By repealing subsection 1 thereof and substituting therefor the following subsection:— S. 314 amended.

" Every one is guilty of an indictable offence and liable to fourteen years' imprisonment, who, with intent to marry or carnally know any woman, or with intent to cause any woman to be married or carnally known by any other person, such woman having any interest, legal or equitable, present or future, absolute, conditional or contingent, in any real or personal estate, or being a presumptive heiress or co-heiress, or presumptive next of kin, to any one having such an interest,— Abduction of heiress.

"(*a*) from motives of lucre takes away or detains such woman against her will, whatever the age of such woman, Against her will.

"(*b*) fraudulently allures, takes away or detains such woman out of the possession and against the will of her father or mother or other person having the lawful care or charge of her, such woman being under the age of twenty-one years." Against will of parent or guardian.

Note.—These sections deal with abduction of women, 313 of ordinary women and 314 of heiresses, so-called. That, at least, is manifestly the intention, as is made clear by the history of the legislation, but it is at least doubtful whether 314 (*b*), as the Act now reads, is confined to heiresses, and one object of the amendment is to remove any doubt on that point. Both sections are rather obscure in other respects, and an attempt is made to remove the obscurity.

With regard to the punishment, it is the same under both sections, and there should probably be a difference. In connection with these sections Crankshaw's and Tremeear's notes on the corresponding sections of the Code of 1892, 281 and 282, should be read.

Section 349.—By repealing this section. S. 349 repealed.

Note.—The section proposed to be repealed deals with theft of things under seizure. The provision is unnecessary, for the taking of such things is theft under the definition 347 (*a*). There was no such provision before the Revised Statutes of 1886. In that revision it will be found in section 50 of the Larceny Act (c. 164). And a reference to the sources cited for that section will show that it was taken not from any general provision in the preceding law, but from certain provisions in Acts respecting Crown and Indian lands, where it related to timber under seizure only. The section serves no useful purpose and is misleading.

Section 424.—By repealing it and substituting the following section:— New s. 424.

"**424.** Every one is guilty of an indictable offence and liable to two years' imprisonment, who,—

"(*a*) being the holder of any lease or license issued under the provisions of any Act relating to gold or silver mining, or by any persons owning land supposed to contain any gold or silver, by fraudulent device or contrivance defrauds or attempts to defraud His Majesty, or any person, of any gold, silver or money payable or reserved by such lease, or, with such intent as aforesaid, conceals or makes a false statement as to the amount of gold or silver procured by him; or, Holder of lease of gold or silver mine defrauding owner.

"(*b*) not being the owner or agent of the owner of mining claims then being worked, and not being thereunto authorized in writing by the proper officer in that behalf named in any Act relating to mines in force *in the province in which the offence is alleged to have been committed*, sells or purchases, except to or from such owner or authorized person, *any rock, ore, mineral, stone, quartz or other substance containing gold or silver or any unsmelted, or untreated, or unmanufactured, or partly smelted, partly treated, or partly manufactured gold or silver*; or, Unlawful sale of quartz, gold or silver.

Unlawful purchase of rock, ore, quartz containing gold or silver or unsmelted gold or silver.

"(*c*) purchase *any rock, ore, mineral, stone, quartz or other substance containing gold or silver, or any unsmelted, or untreated, or unmanufactured, or partly smelted, partly treated, or partly manufactured gold or silver,* except from such owner or authorized person, and does not, at the same time, execute in triplicate an instrument in writing, stating the place and time of purchase, and the quantity, quality and value of gold or silver so purchased, and the name or names of the person or persons from whom the same was purchased, *and file the same with the clerk of the County or District Court of the county or district in which the purchase was made within ten days, or with the officer with whom in the said county or district bills of sale or mortgage of personal property are filed or deposited.*"

Section added.

By inserting immediately after section 424 the following section:—

Unlawful possession of rock, ore, quartz containing gold or silver or unsmelted gold or silver.

"**424A.** Everyone is guilty of an indictable offence and liable to two years' imprisonment who, having in his possession or on his premises with his knowledge any rock, ore, mineral, stone, quartz or other substance containing gold or silver, or any unsmelted, or untreated, or unmanufactured, or partly smelted, partly treated or partly manufactured gold or silver, is unable to prove that he came lawfully by the same."

Note.—The amendment to section 424 and the proposed new section 424A are intended to meet difficulties arising in dealing with such cases, especially in the Cobalt district. The words in italics in 424 are substituted for other words in the existing section. The proposed section 424A is new.

Section added.

By inserting immediately after section 508 the following section:—

Unlawful printing, selling, or possession of plates for printing pirated copies of musical compositions.

"**508A.** Every person who prints, reproduces or sells, or exposes, offers, or has in his possession for sale, or causes to be printed, reproduced or sold, or has in his possession any plates for the purpose of printing or reproducing pirated copies of any musical composition (unless he proves that he acted innocently) is guilty of an offence, and liable, on summary conviction, to a fine not exceeding twenty-five dollars, and on a second or subsequent conviction to imprisonment with or without hard labour for two months, or to a fine not exceeding fifty dollars: Provided that a person convicted of an offence under this section who has not previously been convicted of such an offence, and who proves that the copies of the musical composition, in respect of which the offence was committed, had printed on the title page thereof a name and address purporting to be that of the printer or publisher, shall not be liable to any penalty under this section unless it is proved that the copies were to his knowledge pirated copies.

Imprisonment on default.

"2. If such sums of money, together with the costs, if ordered, are not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, the court may cause the offender to be imprisoned for any term not exceeding two months, with or without hard labour.

Arrest of offender on written authority of copyright owner.

"3. Any constable or peace officer may take into custody without warrant, any person, who in any street or public place sells or exposes, or offers, or has in his possession for sale any pirated copies of any such musical composition as may be specified in any general written authority, addressed to the

chief constable, or deputy chief constable, and signed by the apparent owner of the copyright in such musical composition, or his agent thereto authorized in writing, requesting the arrest, at the risk of such owner, of all persons found committing offences under this section in respect of such musical composition, or any person who offers for sale any pirated copies of any such musical composition by personal canvass or by personally delivering advertisements or circulars, and may seize such pirated copies, advertisements and circulars as may be found in his possession.

Authority to be open to inspection.

"4. A copy of every written authority, addressed to a chief constable, or deputy chief constable, under this section, shall be open to inspection at all reasonable hours, by any person, without payment of any fee, and any person may take copies of or make extracts from any such authority.

Pirated copies or plates may be destroyed by order of court.

"5. All copies of any musical composition and plates seized under this section, or under any search warrant issued in respect of any offence committed against this section, shall be brought before a justice, and if proved to be pirated copies or plates intended to be used for the printing or reproduction of pirated copies, shall be forfeited and destroyed, or otherwise dealt with as the court thinks fit.

"6. In this section—

'Pirated copies.'

"The expression 'pirated copies' means any copies of any musical composition written, printed, or otherwise reproduced without the consent lawfully given by the owner of the copyrights in such musical composition.

'Musical composition.'

"The expression 'musical composition' means a musical composition which has been entered and registered at the Department of Agriculture, at Ottawa, in accordance with the provisions of *The Copyright Act*.

'Plates.'

"The expression 'plates' includes any stereotype or other plates, stones, matrices, transfers or negatives used or intended to be used for printing or reproducing copies of any musical work: Provided that the expression 'pirated copies' and 'plates' shall not, for the purposes of this section, be deemed to include perforated music rolls used for playing mechanical instruments, or records used for the reproduction of sound waves, or the matrices or other appliances by which such rolls or records respectively are made."

Section added.

By inserting immediately after section 544 the following section:—

Time of confinement of cattle on railways extended.

"**544A**. Upon the written request of the owner or person in charge of any cattle so carried, which written request shall be separate and apart from any printed or other bill of lading of other railroad or shipping form, the time of confinement of such cattle may be extended to thirty-six hours."

Note.—It has been represented by persons engaged in the trade, as well as by railway authorities and others, that cattle if in good condition and well-fed before shipment can with safety be confined for thirty-six hours, and that in many cases the requirement of the section as it stands works considerable hardship. In the United States the Inter-State Commerce Law has a similar provision to the one now proposed.

S. 583 amended.

Section 583.—By repealing paragraph (*e*) thereof and substituting the following paragraph:—

Jurisdiction of sessions and other courts limited.

"(*e*) two hundred and sixty-three, murder; two hundred and sixty-four, attempt to murder; two hundred and sixty-five, threat to murder; two hundred and sixty-six, conspiracy to murder; two hundred and sixty-seven, accessory after the fact to murder; two hundred and sixty-eight, manslaughter: or,"

Note.—This amendment is proposed at the instance of the Attorney General's Office at Toronto; the commissioners for the revision of the statutes of that province having pointed out that chapter 58 of the present Revised Statutes of Ontario, which in effect provides that all cases of homicide are to be tried only in a superior court, is in conflict with sections 582 and 583 of the Code under which manslaughter is not excluded from the jurisdiction of the sessions and the other inferior courts mentioned in section 582. Correspondence has been had with the Attorney Generals of the several provinces, and all of them, except the Attorney General of Quebec, agree that it is desirable to take away the jurisdiction of these inferior courts in cases of manslaughter. There does not seem to be any sufficient reason for excepting the province of Quebec from this provision if it is enacted.

Section added.

By inserting immediately after section 629 the following section:—

Execution of search warrants outside of jurisdiction.

"**629**A. If the building, receptacle, or place in which such thing as aforesaid is reputed to be is in some other county or territorial division, the justice may nevertheless issue his warrant in like form modified according to the circumstances, and such warrant may be executed in such other county or territorial division upon being endorsed by some justice of that county or territorial division, such endorsement to be in form 2A, or to the like effect."

Note.—Enables a search warrant to be executed outside the jurisdiction of the magistrate who issues it.

Section added.

By inserting immediately after section 642 the following section:—

Search and seizure in opium joints.

"**642**A. The provisions of sections 641 and 642 shall apply to searches in opium joints and to the seizure of devices, pipes or apparatus for preparing for smoking or inhaling, or for smoking or inhaling opium, and all couches, beds and chairs in such joints, and to the proceedings thereupon."

Note.—See note to 227A.

S. 646 amended.

Section 646, paragraph (*k*).—By inserting in proper numerical order in this paragraph the following sections: Three hundred and eighty-six, stealing things not otherwise provided for; three hundred and eighty-seven, stealing where value over two hundred dollars; three hundred and ninety, criminal breach of trust; three hundred and ninety-six, destroying, cancelling, concealing or obliterating any documents of title.

Arrest without warrant.

Note.—Section 646 enumerates the crimes for which persons found committing them may be arrested without warrant by any person, and the section following provides that a peace officer may arrest without warrant any one who has committed any of the offences mentioned in 646 or any of certain other offences. Section 41 provides that every peace officer proceeding lawfully to arrest, with or without warrant, any person for any offence for which the offender may be arrested without warrant is justified, if the person to be arrested takes to flight to avoid arrest, in using such force as may be necessary to prevent his escape by such flight, unless such escape can be prevented by reasonable means in a less violent manner.

A constable in Winnipeg proceeding to arrest a man charged with the theft of some furs, shot and killed the man in such manner as would have been justified by section 41 if the offence had been one for which the offender might have been arrested without warrant. Unfortunately it is not included in paragraph (*k*) of 646, and the constable was found guilty of manslaughter. The case falls within section 386, stealing things not otherwise provided for, and perhaps section 387, stealing where value over two hundred dollars; but these are not, although they ought to be, included in paragraph (*k*). By the amendment it is proposed to include these two sections, and sections 390, criminal breach of trust, and 396, destroying etc., documents of title.

The general distinction under the old law was that there might be an arrest without warrant in case of felony, but that for crimes of a less degree there could not be, except in certain classes of cases, and the addition of these sections is in line with this rule.

Section 655.—By repealing subsection 1 thereof and substituting the following subsection:— S. 655 amended.

"Upon receiving any such complaint or information the justice shall hear and consider the allegations of the complainant, and the evidence of his witnesses, if any, and if of opinion that a case for so doing is made out, he shall issue a summons or warrant, as the case may be, in manner hereinafter provided." Summons or warrant for indictable offence.

And by adding thereto the following subsections:—

"3. The justice shall in connection with such hearing have the same power of procuring the attendance of witnesses and of compelling them to testify as under Part XIV. Attendance of witnesses.

"4. The evidence of witnesses, if any, at such hearing shall be given upon oath, and the evidence of each witness shall be taken down in writing in the form of a deposition, and, subject to the provisions of section 683, which, so far as applicable, shall apply to such hearing, shall be read over to and signed by the witness and signed by the justice." Evidence on oath, and in writing.

Note.—This is a desirable amendment in ordinary cases inasmuch as the justice may sometimes not feel justified in granting a summons or warrant without some further evidence than that of the applicant; but it is specially designed to give express authority, which is apparently now lacking, for compelling the attendance of witnesses and for the taking of their evidence upon oath upon application for warrant in extradition cases.

Section 662.—By adding at the end thereof the following subsection:— S. 662 amended.

"4. If the person against whom such warrant has been issued is then confined for some other cause in any prison within the province then, upon application to the judge of any superior, county or district court, and upon production to him of the warrant with an affidavit setting forth the above facts, such judge if he is satisfied that the ends of justice require it, may make an order in writing addressed to the warden or keeper of such prison, or to the sheriff or other person having the custody of the prisoner, to bring up the body of such person before the justice who is holding the preliminary inquiry, from day to day, as may be necessary for the purposes of such inquiry, and such warden, keeper, sheriff or other person, upon being paid his reasonable charges in that behalf, shall obey such order." Proceedings upon warrant for apprehension where offender in prison.

Note.—At present there seems to be no provision for bringing a prisoner before a justice to be charged on preliminary inquiry with another offence.

Section 692.—By adding at the end thereof the following subsection:— S. 692 amended.

"5. If it is made to appear to the justice that any person to be so bound over as a witness is without means or without sufficient means, or if other reasons therefor satisfactory to him are shown, the justice may require that a surety or sureties be procured and produced and join in the recognizance, or that a sum of money be deposited with the justice sufficient in his opinion to insure the appearance of such person at the trial and the giving of his evidence." Sureties or deposit for appearance of witness without means.

Note.—This is an amendment suggested by the office of the Attorney General of Manitoba. Its object is obvious.

New s. 717.

Section 717.—By repealing it and substituting the following section:—

Proof of exception, etc., by defendant.

"**717.** Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany in the same section the description of the offence in the Act, order, by-law, regulation or other document creating the offence, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and whether it is or is not so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant."

Prosecutor need not prove negative.

Note.—In R. *v.* Boomer, 15, O.L.R., it was held that under the section as it stands it is only where the information or complaint negatives any exception, &c., that it is not necessary for the prosecutor or complainant to prove the negative but it is considered that he should not have to do so whether the information does or does not expressly negative the exception, &c., leaving it to the defendant to prove the affirmative by way of defence in every case. The other changes in form follow subsection 2 of section 39 of the Imperial Act, 42,43 V., c. 49.

Section added.

By inserting immediately after section 720 the following section:—

Service of summons upon corporation.

"**720A.** When the defendant is a corporation the summons may be served on the mayor or chief officer of such corporation, or upon the clerk or secretary or the like officer thereof, and may be in the same form as if the defendant were a natural person.

Appearance by corporation.

"2. The corporation in such case shall appear by attorney, and if it does not appear the justice may proceed as in other cases."

Note.—Prescribes the procedure in summary conviction cases where the defendant is a corporation. There is no such provision in the law at present and doubts have frequently been suggested as to whether the Summary Convictions Part is capable of application to corporations or as to how far it is so capable. The provision is on the lines of sections 916, *et seq.*

S. 739 amended.

Section 739.—By striking out the words "of the distress and" in the ninth line of paragraph (*b*) of subsection 1 thereof.

Note.—The words proposed to be struck out are obviously wrongly inserted. In the case with which the paragraph deals there has been no distress.

New s. 750.

Section 750.—By repealing it and substituting the following section:—

"**750.** Unless it is otherwise provided in the special Act,—

Procedure on appeals.

"(*a*) if a conviction or order is made more than fourteen days before a sittings of the court to which an appeal is given, such appeal shall be made to that sittings; but if the conviction or order is made within fourteen days of a sittings the appeal shall be made to the second sittings next after such conviction or order: Provided that in the province of Nova Scotia the appeal shall be to a sittings of the court in the county where the cause of the information or complaint arose; in the one case to the sittings next after and in the other to the second sittings after the conviction or order;

Notice of appeal.

"(*b*) the appellant shall give notice of his intention to appeal by filing in the office of the clerk of the court appealed to, and serving the respondent or the justice who tried the case with a copy thereof, a notice in writing setting forth with reasonable certainty the conviction or order appealed against, the court appealed to, and the grounds of such appeal, within ten days after the conviction or order complained of;

"(*c*) the appellant, if the appeal is from a conviction or order adjudging imprisonment, shall either remain in custody until the holding of the court to which the appeal is given, or shall within the time limited for filing a notice of intention to appeal, enter into a recognizance in form 51 with two sufficient sureties before a county judge, clerk of the peace or justice for the county in which such conviction or order has been made, conditioned personally to appear at the said court and try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as are awarded by the court; or if the appeal is from a conviction or order whereby a penalty or sum of money is adjudged to be paid, the appellant shall within the time limited for filing the notice of intention to appeal, in cases in which imprisonment upon default of payment is directed either remain in custody until the holding of the court to which the appeal is given, or enter into a recognizance in form 51 with two sufficient sureties as hereinbefore set out, or deposit with the justice making the conviction or order an amount sufficient to cover the sum so adjudged to be paid, together with such further amount as such justice deems sufficient to cover the costs of the appeal; and, in cases in which imprisonment in default of payment is not directed, deposit with such justice an amount sufficient to cover the sum so adjudged to be paid, together with such further amount as such justice deems sufficient to cover the costs of the appeal; and upon such recognizance being entered into or deposit made the justice before whom such recognizance is entered into or deposit made shall liberate such person if in custody;

Appellant remains in custody or gives recognizance or makes deposit in court.

"(*d*) in case of an appeal from the order of a justice pursuant to section six hundred and thirty-seven for the restoration of gold or gold-bearing quartz, or silver or silver ore, the appellant shall give security by recognizance to the value of the said property to prosecute his appeal at the proper sittings of the court, and to pay such costs as are awarded against him."

Recognizance to value of property, on appeal under s. 637.

Note.—The proviso in paragraph (*a*) is new. It is rendered necessary by the fact that in Nova Scotia there are seven county courts having respectively jurisdiction in districts, each of which, except district No. 1, composed of the county of Halifax, comprises from 2 to 4 counties. In a recent case, Rex *v.* Judge County Court District No. 5, the Supreme Court of the province held that under paragraph (*a*) of this section the appeal was to the next sittings of the court, wherever within the district it might be held. The decision is probably right upon the statute as it stands, but it is said to be contrary to the understanding of the profession and the practice hitherto prevailing, under which appeals have been taken to the next sittings in the county where the cause of the information or complaint arose. The Attorney General of the province says that the construction put upon the section by the court will certainly result in serious inconvenience to parties interested in appeals, as is indeed obvious when it is remembered that these appeals are really retrials at which the witnesses at the trial and other witnesses may have to be present for examination (s. 752, subs. 3) and that the place of sitting may be a hundred miles or more and a day's journey from the place where the cause of the information or complaint arose. The amendment would bring the law into accord with the practice heretofore obtaining.

The other amendments are called for on account of the elimination by the amending Act of 1905 (c. 10) of all provision for the giving of recognizances except where the appeal is from a conviction adjudging imprisonment. There is thus in a case where a defendant is required to pay money no way in which he can obtain a stay of proceedings pending appeal. He would have to pay or be subject to having the amount collected by distress or imprisonment as the case might be; and in many cases an appeal taken after the money has been paid would be nugatory for all practical purposes. e. g., take a master and servant case where the master is ordered to pay wages, &c.

The passage beginning with "or if the appeal" and ending with "the cost of the appeal" in paragraph (*c*) which was struck out by the Act of 1905 is, for similar reasons reinstated, and there are other verbal changes in that paragraph and paragraphs (*a*) and (*b*).

S. 751 amended.

Section 751.—By repealing subsection 2 thereof and substituting the following subsection:—

Payment of judgment and costs out of deposit.

"2. In any case where a deposit has been made as provided in paragraph (*c*) of section seven hundred and fifty if the conviction or order is affirmed, the court may order that the sum thereby adjudged to be paid, together with the costs of the conviction or order, and the costs of the appeal, shall be paid out of the money deposited, and that the residue, if any, shall be paid to the appellant; and if the conviction or order is quashed the court shall order the money to be repaid to the appellant."

Note.—The amendment makes changes rendered necessary if the amendment to 750 becomes law, and the practice of allowing deposits is reintroduced.

S. 761 amended.

Section 761.—By repealing subsection 2 thereof and substituting the following subsections:—

Time for application and stated case.

"2. The application shall be made and the case stated within such time and in such manner as is from time to time directed by rules or orders made under section five hundred and seventy-six of this Act.

When rules made.

"3. If there be no rule or order otherwise providing,—

When no rules.

"(*a*) the application shall be made in writing to the justice and a copy thereof left with him, and may be made at any time within seven clear days from the date of the proceeding to be questioned;

"(*b*) the case shall be stated within three calendar months after the date of the application, and after the recognizance hereinafter referred to has been entered into; and

"(*c*) the applicant shall within three days after receiving the case transmit it to the court, first giving notice in writing of such appeal, with a copy of the case as signed and stated, to the other party to the proceeding which is questioned."

Note.—Amendment proposed by Mr. (now Mr. Justice) Russell in the session of 1902. Its object is to provide a procedure where cases are stated by justices under the section and there is no rule or order of court governing such procedure.

Section added.

By inserting immediately after section 762 the following section:—

Proceedings when justice dies or quits office.

"**762**A. Where, pending an application for the statement of a case, the justice dies or quits office the applicant may, on notice to the other party or parties, apply to the court to state a case itself, and if a case is thereupon stated it may be dealt with as if it had been duly stated by the said justice.

Recognizance.

"2. Before any such case is stated by the court the applicant shall enter into recognizances as provided by section 762."

Note.—The object of this amendment is obvious.

S. 770 amended.

Section 770.—By adding at the end of the tariff of fees thereby prescribed the following:—

"*Interpreters' Fees.*

"1. Each day attending trial..... $2 00

"2. Mileage travelled to attend trial (one way) per mile..... 0 10"

Note.—Provides for fees to interpreters in summary conviction cases. A strong plea has been made for the allowance of such fees from Manitoba and the west, where the non-English-speaking population is in many places very large.

Section 773.—By repealing paragraph (*f*) thereof and substituting the following paragraph:— S. 773 amended.

"(*f*) With keeping a disorderly house, under section 228, or with being an inmate or habitual frequenter of a common bawdy house, under section 228A." Disorderly house.

Note.—The courts in Quebec and recently the Court of Appeal in Ontario having held that the general words "disorderly house" in this section must be construed as restricted to houses *ejusdem generis* with the classes of houses specified in the paragraph, and that they do not therefore include common betting or gaming houses, there seems no good reason why the provisions of the section should not extend to these houses.

By inserting immediately after section 773 the following section:— Section added.

"**773A.** When the person to be so charged is a corporation, the summons may be served on the mayor or chief officer of such corporation, or upon the clerk or secretary or the like officer thereof, and may be in the same form as if the defendant were a natural person. Proceedings when corporation is charged.

"2. The corporation in such case shall appear by attorney, who may on its behalf elect, and confess or deny the charge, and thereupon the case shall proceed as if the defendant were a natural person.

"3. If the corporation does not appear and confess or deny the charge, the magistrate may proceed in the absence of the defendant, as upon a preliminary investigation."

Note.—Makes provision for the procedure where a corporation is the defendant. The procedure is on the lines *mutatis mutandis* of that prescribed by sections 916 *et seq.*

Section 774.—By repealing it and substituting the following section:— New s. 774.

"**774.** The jurisdiction of the magistrate is absolute in the case of any person charged with keeping a disorderly house, or with being an inmate or habitual frequenter of a common bawdy house, and does not depend on the consent of the person charged to be tried by such magistrate, nor shall such person be asked if he consents to be so tried. Absolute jurisdiction in respect to houses of ill-fame.

"2. The provisions of this Part do not affect any absolute summary jurisdiction given to justices by any other Part of this Act." Not to affect other jurisdiction.

Note.—See note to 773 *supra.*

Section 777.—By repealing subsection 2 thereof and substituting the following subsection:— S. 777 amended.

"2. This section shall apply also to district magistrates and judges of the sessions in the province of Quebec, and to police and stipendiary magistrates of cities and incorporated towns having a population of not less than 2,500 according to the last decennial or other census taken under the authority of an Act of the Parliament of Canada, and to the recorder of any such city or town if he exercises judicial functions, and to judges of the Territorial Court and police magistrates in the Yukon Territory. Summary trial by certain judges, magistrates, etc.

And by adding at the end of the section the following subsections:— Subsections added.

"4. Where an offence charged is punishable with imprisonment for a period exceeding five years the Attorney General Trial by jury if required by

Attorney General.

may require that the charge be tried by a jury, and may so require notwithstanding that the person charged has consented to be tried by a magistrate under this section, and thereupon the magistrate shall have no jurisdiction to try or sentence such person under this section.

Absolute jurisdiction of magistrate in cities of not less than 25,000 population.

"5. The jurisdiction of the magistrate under this section in cities having a population of not less than 25,000 according to the last decennial or other census taken under the authority of an Act of the Parliament of Canada, is absolute, and does not depend upon the consent of the accused, in the case of any person charged with theft, or with obtaining property by false pretences, or with unlawfully receiving stolen property, where the value of the property alleged to have been stolen, obtained or received, does not, in the judgment of the magistrate, exceed ten dollars."

Note.—By this section as enacted by the Act of 1900, the extensive jurisdiction thereunder was given to police and stipendiary magistrates of cities and incorporated towns generally. It has been brought to the attention of the Department of Justice that in some of the provinces there are cities and towns, duly incorporated as such, which are in point of population mere villages, and it is therefore proposed that only magistrates of cities and towns of considerable size shall have this jurisdiction. It is also proposed to extend the special jurisdiction under this section to district magistrates and judges of the sessions in the province of Quebec. The object of the proposed subsection 4 is obvious. It is reasonable that in the case of grave offences the Attorney General of the province should have the power to require a trial by jury. Subsection 5 is proposed upon a suggestion of the Hon. Mr. Daly, police magistrate of Winnipeg, and is perhaps not open to objection as applying to large cities. Mr. Daly reports that it is true of Winnipeg, and it is undoubtedly true of all the larger cities, that a great number of cases of petty theft are brought before the magistrate which it is absurd to send for trial to the higher courts to be tried with a jury; they can be effectually and much more economically disposed of by a magistrate. Mr. Daly would have a provision of the same sort extending to cases of forgeries for small amounts, but that is a graver and less simple offence, and the expediency of dealing in the same manner with it is doubtful.

S. 778 amended.

Section 778.—By repealing subsection 2 thereof and substituting therefor the following subsection:—

Accused put to election.

"2. If the charge is not one that can be tried summarily without the consent of the accused, the magistrate shall state to the accused,—

"(*a*) that he is charged with the offence, describing it:

"(*b*) that he has the option to be forthwith tried by the magistrate without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction."

Note.—At present the magistrate is required to address the accused as follows, or to the like effect:—"Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by jury at the (naming the court at which it can probably soonest be tried.)" The requirement that the court should be named is unnecessary and has proved obstructive of justice. There is no such requirement under the Speedy Trials Part. See section 827. Reference may be had to R. *v.* Walsh, 7 O.L.R., 149, where it was held that the magistrate having omitted to name a court had no jurisdiction under the Part. It is proposed to make the procedure conform to that under the Speedy Trials Part, so that it will not be necessary to name a court or to use any set form of words.

S. 823 amended.

Section 823.—By striking out the words "'county attorney' or 'clerk of the peace'," in the first line of paragraph (*b*) thereof and substituting the following words "prosecuting officer,"

Note.—The section contains a definition of 'county attorney' or 'clerk of the peace.' These expressions are quite inappropriate to designate the prosecuting officer under this Part. As a matter of fact, it will be found on examining the sections contained in the Part, that neither of them is the term most frequently used for that purpose but rather "prosecuting officer." It is desirable that the latter term should be used in all cases. Hence the amendment to this section and to sections 833 and 834.

Section 824.—By repealing subsection (1) thereof, and substituting the following subsection:— S. 824 amended.

"(1) The judge sitting on any trial under this Part, for all the purposes thereof and proceedings connected therewith or relating thereto, shall be a court of record, and in every province of Canada, except in the province of Quebec, and except as hereinafter provided, such court shall be called the county court judge's criminal court of the county or union of counties, or judicial district, in which the same is held: Judge a court of record. Title of court throughout Canada.

"(a) In the provinces of Saskatchewan and Alberta, and in the provisional judicial dictricts of the province of Ontario, such courts shall be called the district court judge's criminal court of the district in which the same is held." Exception.

Note.—The only change is the provision in paragraph (*a*) with respect to these courts in the judicial districts. The amendment is proposed at the instance of the Attorney General's Office, Toronto, from whom it is learned that the Commissioners for the revision of the statutes of that province have suggested this change of name.

Section 825.—By adding thereto the following subsections:— S. 825 amended.

"5. Where an offence charged is punishable with imprisonment for a period exceeding five years, the Attorney General may require that the charge be tried by a jury, and may so require notwithstanding that the person charged has consented to be tried by the judge under this Part, and thereupon the judge shall have no jurisdiction to try or sentence the accused under this Part." Trial by jury in certain cases.

"6. A person accused of any offence within subsection 1 of this section, who has been bound over by a justice or justices under the provisions of section 696 and is at large under bail, may notify the sheriff that he desires to make his election under this Part, and thereupon the sheriff shall notify the judge, or the prosecuting officer, as provided in section 826. Notice by accused of desire to make election.

"7. In such case, the judge having fixed the time when, and the place where the accused shall make his election, the sheriff shall notify the accused thereof, and the accused shall attend at the time and place so fixed, and the subsequent proceedings shall be the same as in other cases under this Part. Attendance of accused.

"8. The recognizance taken when the accused was bound over as aforesaid shall in such case be obligatory upon each of the persons bound thereby, as to all things therein mentioned, with reference to the appearance of the accused at the time and place so fixed and to the trial and proceedings thereupon, in like manner as if such recognizance had been originally entered into with reference thereto: Provided that notice in writing shall be given either personally or by leaving the same at the place of residence, as described in the recognizance, of the persons bound as sureties by such recognizance, that the accused is to appear at such time and place to make his election as aforesaid." Recognizance valid in such cases. Notice to sureties.

Note.—The proposed subs. 5 has been suggested by the Attorney General's office, Toronto. The proposed subss. 6, 7 and 8 are from Mr. Gervais' Bill, No. 92 of 1907–8. Their object is to dispense with the *pro forma* surrender of a defendant who has not been committed for trial, but has been admitted to bail.

Section 826.—By repealing subsection 2 thereof and substituting the following subsection:— S. 826 amended.

"2. Where the judge does not reside in the county in which the prisoner was committed, the judge having received the Prosecuting officer to be notified

to act where judge does not reside in county.

notification and having obtained the depositions on which the prisoner was committed, if any, may forward them to the prosecuting officer with instructions to cause the prisoner to be brought before him instead of the judge, naming as early a day as possible for the trial in case the prisoner shall elect to be tried by the judge, without a jury, and the prosecuting officer shall, in such case, with as little delay as possible cause the prisoner to be brought before him."

Note.—It has been suggested by one of the county court judges of Nova Scotia that the judge should have an opportunity of reading the depositions before any proceedings are taken in order that he may consider whether the case is one proper to be proceeded with under this Part, as well as any other questions which may be suggested by them as to the time for trial, &c. Hence the amendment.

New s. 827.

Section 827.—By repealing it and substituting the following section:—

Arraignment.

"**827.** The judge, having first obtained the depositions on which the prisoner was so committed, if any, or the prosecuting officer, as the case may be, shall state to the prisoner,—

The charge.

"(*a*) that he is charged with the offence, describing it;

The option.

"(*b*) that he has the option to be tried forthwith before a judge without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction.

Procedure where accused consents to trial without jury.

"2. If the prisoner has been brought before the prosecuting officer, and consents to be tried by the judge, without a jury, the trial shall proceed on the day named by the judge in the manner provided by the next following subsection.

Prosecuting officer prefers charge.

"3. In such case or if the prisoner has been brought before the judge and consents to be tried by him without a jury, the prosecuting officer shall prefer the charge against him for which he has been committed for trial, and if, upon being arraigned upon the charge, the prisoner pleads guilty, the prosecuting officer shall draw up a record as nearly as may be in form 60.

Plea of guilty.

Entered on record. Sentence.

"4. Such plea shall be entered on the record, and the judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed by a court having jurisdiction to try the offence in the ordinary way."

Note.—This is the section which prescribes the procedure under the Speedy Trials Part when a prisoner is brought up to elect. It is proposed to repeal the section and substitute a new one embodying amendments which are necessary if the proposed amendment to section 826 becomes law. The words "if any" in the second line are inserted in view of the result of the case of R. *v.* McDougall, 8 Can. Crim. Cas., 234, where it was held, the accused having waived the taking of depositions and there being none, that the case could not be tried under this Part.

S. 828 amended.

Section 828.—By adding at the end thereof the following proviso:—

Consent of prosecuting officer required to re-election.

"Provided that if an indictment has been preferred against the prisoner the consent of the prosecuting officer shall be necessary to a re-election, and in such case the sheriff shall take no action upon being notified of the prisoner's desire to re elect unless such consent is given in writing."

Note.—This is an amendment suggested by the Attorney General's Office, Toronto.

Section 833.—By striking out the words "county attorney or clerk of the peace," in the fourth line thereof and substituting the words "prosecuting officer." S. 833 amended.

Note.—See note to 823 *supra.*

Section 834.—By repealing subsection 1 thereof and substituting the following subsection:— S. 834 amended.

"The prosecuting officer may, with the consent of the judge, prefer against the prisoner a charge for any offence for which he may be tried under the provisions of this Part other than the charge for which he has been committed to jail for trial or bound over, although such charge does not appear or is not mentioned in the depositions upon which the prisoner was committed or is for a wholly distinct and unconnected offence: Provided that the prisoner shall not be tried under this Part or upon any such additional charge unless with his consent obtained as hereinbefore provided." Charges preferred other than those for which accused is committed. Consent of accused.

Note.—It has been held in R. *v.* Wener, 6 Can. Crim. Cas, p. 406, that the charge which might be added or substituted under that section must be cognate to the one for which the accused was committed or bailed, and that it was not permissible to add or substitute an offence wholly disconnected therewith. There is probably no good reason for so limiting its operation, and see note to 823 *supra.*

By inserting immediately after section 836 the following section:— Section added.

"**836A.** Whenever a prisoner who has been admitted to bail pursuant to section 836, does not appear at the time mentioned in the recognizance or to which the court is adjourned, the judge may issue a warrant for his apprehension which may be executed in any part of Canada." Warrant for arrest of prisoner out on bail.

Note.—The proposed section is intended to enable a speedy trial judge to issue a bench warrant where a prisoner admitted to bail does not appear, it having been doubted whether at present he has that power.

Section 887.—By repealing it and substituting the following section:— New s. 887.

"**887.** Whenever in the province of Quebec it has been decided by competent authority that no term of the Court of King's Bench, holding criminal pleas, is to be held, at the appointed time, in any district in the said province within which a term of the said court should be then held, the Attorney General, or any person charged with an indictable offence whose trial should by law be held in the district, may in the manner hereinbefore provided obtain an order that the trial be proceeded with in some other district within the said province, named by the court or judge, and all the provisions of the three last preceding sections shall apply to the case of the Attorney General or person so applying." Order may be obtained in Quebec by Attorney General or accused, changing place of trial.

Note.—This amendment is a suggestion from the office of the Attorney General of Quebec. The section as amended would give to the Attorney General, as well as to the accused, the right to apply for a change of venue.

Section 1014.—By repealing subsection 3 thereof and substituting the following subsection:— S. 1014 amended.

"3. Either the prosecutor or the accused may, during or after the trial, either orally or in writing, apply to the court to reserve any such question as aforesaid, and the court, if it Application for reserved case.

refuses so to reserve it, shall nevertheless take a note of such objection."

Note.—The amendment consists in the insertion of the words "or after" and its object is to remove doubt as to the right of appeal from a refusal *after* trial, Judge Wetmore of the Supreme Court of the North West Territories, in the case of R. *v.* Toto, 8 Can. Crim. Cas., 410, having held that there was no such right.

Section added.

By inserting immediately after section 1016 the following section:—

Procedure where judge or magistrate dies, quits office or refuses to state case.

"**1016A.** If pending the statement of a case upon a question reserved the judge or magistrate before whom the trial was had dies or quits office, or if such judge or magistrate, having reserved a question, refuses or neglects to state a case, the party upon whose application the question was reserved may on notice of motion to be given to the accused or prosecutor, as the case may be, apply to the Court of Appeal to state a case, and if a case is thereupon stated, it shall be dealt with as if it had been duly stated by such judge or magistrate."

Note.—This amendment is self-explanatory.

S. 1035 amended.

Section 1035.—By adding thereto the following subsection:—

Fines upon corporations.

"3. Any corporation, convicted of an indictable or other offence punishable with imprisonment, may in lieu of the prescribed punishment be fined in the discretion of the court before which it is convicted."

Note.—The power of imposing a fine in lieu of imprisonment is limited under the section as it stands to cases where the maximum term of imprisonment is five years. The amendment would extend this, in the case of corporations, to offences punishable with imprisonment, no matter what the maximum is.

S. 1036 amended.

Section 1036.—By striking out all the words between the word "recovered" in the sixth line and the word "except" in the eleventh line thereof, and by adding at the end thereof, the following subsection:—

Direction to pay fine, penalty or forfeiture to municipality.

"3. The Lieutenant Governor in Council may from time to time direct that any fine, penalty or forfeiture, or any portion thereof paid over to the treasurer of the province under this section be paid to the municipal or local authority if any, which wholly or in part bears the expenses of administering the law under which the same was imposed or recovered, or to be applied in any other manner deemed best adapted to attain the objects of such law and secure its due administration."

Note.—This amendment is suggested by the Attorney General's Office, Toronto. It is stated that the section in its present form involves the department in unpleasant controversy with the municipalities, and that in Ontario, at all events, the greater part of the expenses of the administration of justice are borne by the government.

S. 1056 amended.

Section 1056.—By repealing paragraph (*c*) of the proviso thereto and substituting the following paragraph:—

Imprisonment in common gaol in Manitoba and British Columbia.

"(*c*) in the province of Manitoba and the province of British Columbia any one sentenced to imprisonment for a term of less than two years may be sentenced to any one of the common gaols in the province, unless a special prison is prescribed by law."

Note.—Extends to the province of British Columbia the power now given to the courts in Manitoba to sentence to imprisonment in any one of the gaols of the province unless a special prison is prescribed by law. This amendment is asked for by the British Columbia Government.

Section 1081.—By adding thereto the following subsection:— S. 1081 amended.
"4. Where one previous conviction and no more is proved against the person so convicted and such conviction took place more than five years before that for the offence in question, or was for an offence not related in character to the offence in question, the court shall have the same power as aforesaid with the concurrence of the counsel acting for the Crown in the prosecution of the offender." Special directions on suspended sentence.

Note.—The amendment would in certain cases, extend the provision for suspending sentence to cases where there has been a previous conviction.

Part XXV.—By inserting immediately after form 2 therein the following form:— Form added.

"2A.—(*Section* 629A.)

"Canada,
"Province of
"County of

"Whereas proof upon oath has this day been made before me, a justice of the peace in and for the said county of that the name of J. S. to the within warrant subscribed is of the handwriting of the justice of the peace within mentioned, I do therefore hereby authorize W. T. who brings me this warrant and all other persons to whom this warrant was originally directed or by whom it may be lawfully executed, and also all peace officers of the said county of , to execute the same within the said county of .

"J. L.,
"J. P. (*Name of county*)."

Note.—Gives the form of endorsement to be made upon search warrants which are to be executed outside the jurisdiction of the justice.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 148.

An Act to amend the Criminal Code.

First reading, April 21, 1909.

MR. AYLESWORTH.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 149.

An Act to amend the Extradition Act.

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

1. *The Extradition Act*, chapter 155 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 30:— R.S., c. 155. Section added.

"**30A.** Whenever, for the purposes of this Act, it becomes necessary or expedient to secure evidence by depositions taken in Canada to be used in a foreign state, any justice of the peace, or any person having authority to issue a warrant for the apprehension of persons accused of offences and to commit such persons for trial, may take depositions in the absence of a person accused of any extradition crime in like manner as he might take the said depositions if such accused person was present and charged before him with such extradition crime. Depositions for use in a foreign state may be taken in absence of accused.

"2. Such justice of the peace or person having authority as aforesaid may, by subpœna or order, command the attendance at the time and place therein mentioned, of any person or witness for the purpose of being examined as to any extradition crime charged under this Act, and may require the production of any writings or other documents relating to such a charge which are in the possession or power of such person or witness. Summoning of witnesses.

"3. Upon the service upon such person or witness of such subpœna or order, and upon payment or tender of the like conduct money as is properly payable upon attendance at the trial of an indictable offence in a superior court, such subpœna or order may be enforced in like manner as a subpœna or order issued by such superior court." Enforcement of subpoena.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 149.

An Act to amend the Extradition Act.

First reading, April 21, 1909.

MR. AYLESWORTH.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 150.

An Act to amend the Navigable Waters Protection Act.

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

R.S., c. 115 amended. New s. 3.

1. *The Navigable Waters Protection Act*, chapter 115 of the Revised Statutes, is amended by striking out section 3 and substituting the following section therefor:—

Application of Part.

"**3.** Except so much of this Part as relates to rebuilding or repairing any lawful work, nothing hereinafter in this Part contained shall apply to any work constructed under the authority of any Act of the legislature of the late province of Canada, or of the legislature of any province now forming part of Canada, passed before such province became a part thereof.

Approval of plans and description.

No such works shall be proceeded with unless and until the plans and description relating thereto have been submitted and approved of in the manner provided by section 7 of this Part."

S. 7 amended

2. Subsection 1 of section 7 of the said Act is repealed and the following is substituted therefor:—

Deposit of plans with Minister of Public Works.

"**7.** The local authority, company or person proposing to construct any work in navigable waters, or affecting them, of the character enumerated in the foregoing sections of this Part, not including the diversion of any navigable water, for which no sufficient sanction otherwise exists, may deposit the plans thereof and a description of the proposed site with the Minister of Public Works, and a duplicate of each in the office of the registrar of deeds for the district, county or province in which such work is proposed to be constructed, and may apply to the Governor in Council for approval thereof."

S. 11 amended.

3. Section 11 of the said Act is amended by adding after the word "bridge" in the second line thereof the words "or dam," and by adding at the end of the said section the words "or other navigable stream."

Bridges and dams over navigable streams.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 150.

An Act to amend the Navigable Waters Protection Act.

First reading, April 22, 1909.

MR. CONMEE.

OTTAWA
Printed by C. H. PARMELEE
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 151.

An Act to amend the Exchequer Court Act.

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

1. *The Exchequer Court Act*, chapter 140 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 84 thereof:— R. S., c. 140. Section added.

"**84A.** In any case in which the Crown has by this Act a right of appeal to the Supreme Court from any judgment, the Crown shall have the alternative right to appeal from such judgment to the highest provincial court of appeal from final judgments in civil causes now or hereafter established within the province where the cause of action arises, subject to the procedure and jurisdiction of the said court of appeal as they exist from time to time with respect to appeals to such provincial court, and with all the incidents, rights, powers and privileges incident or belonging thereto." Appeal by Crown to provincial court of appeal.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 151.

An Act to amend the Exchequer Court Act.

First reading, April 22, 1909.

MR. AYLESWORTH.

OTTAWA
Printed by C. H. PARMELEE
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 152.

An Act to amend the Navigable Waters Protection Act.

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

1. Paragraph (*b*) of section 13 of *The Navigable Waters Protection Act*, chapter 115 of the Revised Statutes, 1906, is amended by adding at the end of the said paragraph the words "and includes also everything forming part of the machinery, tackle, equipment, cargo, stores or ballast of a vessel." R.S., c. 115, s. 13 amended. Definition of vessel.

Explanatory Note.—The purpose of this amendment is to prevent the owner of a wrecked vessel from removing the cargo or the valuable parts of a vessel and leaving the hull to be removed by the department. The words added correspond to those in section 532 of the Imperial "Merchant Shipping Act, 1894."

2. Section 14 of the said Act is amended by adding thereto the following subsection:— S. 14 amended.

"2. The owner of such vessel or thing shall forthwith begin the removal thereof, and shall prosecute such removal diligently to completion; but nothing herein shall be deemed to limit the powers of the Minister under sections 16 and 17 of this Act." Removal of obstructions to navigation.

Explanatory Note.—The present law makes no provision to compel the owner of a wrecked vessel to remove it. The clause above proposed does not take away from the Minister the power of removal, which he still retains under sections 16 and 17 of the Act.

3. Section 16 of the said Act is amended by striking out the words "under the authority of the Governor in Council" in the first and second lines thereof, and by adding the words "partially sinking" after the word "sinking" in the third line of paragraph (*a*), and by adding the words "partially sunk" after the word "sunk" in the second line of paragraph (*b*). S. 16 amended. Removal of obstructions by Minister.

Explanatory Note.—The first amendment is on the lines of the Australian Navigation Act, section 324, and also the Imperial "Merchant Shipping Act, 1894," sections 530 and 531. The other amendments are to meet the case of obstructions which might not be held to be covered by the present section 16.

4. Paragraph (*b*) of subsection 1 of section 18 of the said Act is amended by striking out the words "with the authority of the Governor in Council" in the first line of the said paragraph. S. 18 amended. Cost of removing wreck.

Explanatory Note.—The words struck out are in conformity with the words struck out in clause 3 above.

Section added.

5. The said Act is further amended by inserting the following section immediately after section 18 thereof:—

Abandoned vessel may be taken possession of and removed.

"**18A.** When any vessel is wrecked, sunk, lying ashore, or grounded in any navigable water in Canada, such vessel and its cargo and every part thereof shall be deemed to be abandoned at the expiration of two years from the date of such casualty, and thereupon the Minister may authorize any person to take possession of and remove such vessel for his own benefit, under such restrictions as to the Minister seem fit."

Explanatory Note.—This amendment will enable the Minister to deal to the best advantage with wrecked vessels whose ownership is in doubt, or whose owner is bankrupt or out of the jurisdiction of the Canadian courts.

Part III added.

6. The said Act is further amended by adding thereto the following, as Part III thereof:—

"PART III.

"INTERPRETATION.

Definitions.

"**31.** In this Part, unless the context otherwise requires,—

"(*a*) 'ferry cable' includes any ferry cable, rod, chain or other device put across, over, in or under any navigable water for working a ferry.

"(*b*) 'swing or draw bridge' means and includes any swing or draw bridge other than a railway bridge.

"GENERAL.

Regulations for ferry cables and swing and draw bridges.

"**32.** The Governor in Council may make regulations to govern,—

"(*a*) the laying, stretching or maintaining of any ferry cable across, over, in or under any navigable water;

"(*b*) the maintenance of lights and any other precautions for the safety of navigation in connection with any such ferry cable;

"(*c*) the opening and closing of any swing or draw bridge over any navigable water;

"(*d*) the maintenance of lights and any other precautions for the safety of navigation in connection with such bridge.

When to be in force.

"**33.** Every such regulation shall have force and effect only after it has been published in *The Canada Gazette*.

Penalty for breach.

"**34.** Any person violating any regulation made under the authority of this Part shall be liable, upon summary conviction, to a penalty not exceeding fifty dollars and costs, or to imprisonment for a term not exceeding ten days, or to both fine and imprisonment."

Explanatory Note.—There is at present no means of regulating the placing and maintaining of ferry cables in or over navigable waters. Serious accidents have happened to vessels colliding with these cables. Power is now sought to give the Minister control over these works. The opening and closing of swing and draw bridges (other than railway bridges) should also be subject to regulation, for the convenience of shipping.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 152.

An Act to amend the Navigable Waters Protection Act.

First reading, April 23, 1909.

MR. BRODEUR.

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 153.

An Act respecting the National Transcontinental Railway.

Preamble.

WHEREAS the Commissioners of the Transcontinental Railway are constructing a railway bridge on the main line of the eastern division of the National Transcontinental Railway across the Red river between the cities of Winnipeg and St. Boniface, in the province of Manitoba; and whereas the corporation of the city of Winnipeg is desirous that the said bridge be constructed also for the use of street railways, foot passengers and vehicular traffic, and to that end has obtained power from the legislature of the province of Manitoba to enter into an agreement with the said Commissioners for the construction of the said bridge: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Bridge over Red river.

Agreement to construct so as to permit passage of vehicles, and foot passengers.

Approval of agreement

1. Notwithstanding anything in *The National Transcontinental Railway Act*, chapter 71 of the statutes of 1903, the Commissioners of the Transcontinental Railway are hereby authorized to enter into an agreement with the corporations of the city of Winnipeg and the city of St. Boniface, or either of them, to construct the said railway bridge of sufficient width and dimensions to permit the passage of street cars, carriages and foot passengers, and to provide for the future use and maintenance of the said bridge: Provided that no agreement made under the authority of this Act shall be concluded until it has been first sanctioned by the Governor in Council.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 153.

An Act respecting the National Transcontinental Railway.

First reading, April 23, 1909.

MR. GRAHAM.

OTTAWA
Printed by C. H. PARMELEE
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 154.

An Act respecting the Harbour Commissioners of Montreal.

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

1. Section 5 of *The Montreal Harbour Commissioners' Act, 1894*, chapter 48 of the statutes of 1894, is repealed and the following is substituted therefor:— 1894, c. 48, new s. 5.

"**5.** The port of Montreal shall be held to comprise all that part of the river St. Lawrence which extends from the basin of Portneuf, exclusively, in the county of Portneuf, to a line bearing N. 65° E. astronomically from the easterly end of the division line between the lots known respectively as numbers 3266 and 3267 of the Official Plan and Book of Reference of the parish of Montreal, to the east shore of the river St. Lawrence, and shall include such parts of the tributaries falling into the said part of the river St. Lawrence as are navigable for sea going vessels; but shall not include the harbour of Montreal, as defined by section 6 of this Act, nor the harbour of Three Rivers." Port of Montreal defined.

"2. The port of Montreal, as defined by subsection 1 of this section, shall be under the jurisdiction and control of the Minister of Marine and Fisheries." Jurisdiction over port.

Explanatory note.—A new definition of the port of Montreal is rendered necessary by the transfer of jurisdiction to the Minister of Marine and Fisheries, and by the amendment to and extension of the boundaries of the harbour of Montreal under clauses 2, 3 and 4.

2. Paragraph (*a*) of subsection 1 of section 6 of the said Act is repealed and the following is substituted therefor:— S. 6 amended.

"(*a*) On the western or city side the boundary shall extend from the north point of the Island of Montreal, known as Bout de l'Isle, to the mouth of the little river St. Pierre. From the said north point of the Island of Montreal to a point opposite the church of the parish of Longue Pointe the boundary shall follow the west bank of the river St. Lawrence along high water mark, and including the beach thereof, and, from the said point opposite the said church to the mouth of the little river St. Pierre the boundary shall continue to be as established by the provisions of section 5 of chapter 143 of the statutes of 1855 of the former province of Canada, and of section 5 of chapter 61 of the statutes of 1873, which said provisions are set out in schedule two to this Act and shall be construed with reference Western boundary of harbour of Montreal. 1855, c. 143, s. 5. 1873, c. 61, s. 5.

to the circumstances existing when the said two Acts were respectively passed."

S. 6 amended.

Eastern boundary.

3. Paragraph (*c*) of the said subsection is amended by striking out the four last words of the said paragraph and substituting therefor the following: "; thence N. 12° 56′ W. to the southern point of the Grandes Battures Tailhandier; thence along the westerly low water line of the said Grandes Battures Tailhandier and of Ile au Foin to the northern end of the said Ile au Foin; thence N. 8° 10′ W. to the south end of Ile St. Thérèse; thence along the westerly side of the said Ile Ste. Thérese, at low water line, to its north-western point; thence due north to the southern point of Ile aux Asperges; thence along the westerly and north-westerly shore line of the said Ile aux Asperges, at low water, to a point due south from the south-westerly point of Ile à l'Aigle; thence due north to the said westerly point of the said Ile à l'Aigle; and thence, along the westerly shore line of the said Ile à l'Aigle, at low water mark, to a point due east from the north point of the Island of Montreal."

S. 6 amended.

Northern boundary.

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

"(*d*) The northern boundary shall extend from the north end of the Island of Montreal, at Bout de l'Isle, due east to the eastern boundary."

Explanatory note.—Clauses 2, 3 and 4 amend and extend the boundaries of the harbour so as to give the Commissioners control over all waters required for harbour purposes and for the development of the harbour.

S. 7 amended.

5. Section 7 of the said Act is amended by striking out of the second line thereof the words "of the port of Montreal and."

Explanatory note.—This amendment is necessary in consequence of the transer of jurisdiction over the port of Montreal to the Minister of Marine and Fisheries under subclause 2 of clause 1 of this Bill.

New s. 19.

Jurisdiction over harbour.

6. Section 19 of the said Act is repealed and the following is substituted therefor:—

"**19.** The harbour of Montreal shall be vested in the corporation, and shall be under its jurisdiction, control and management for the purposes of this Act."

Explanatory note.—The Commissioners no longer have jurisdiction over the port of Montreal, nor are they now the pilotage authority for that district; see chapter 48 of the statutes of 1903.

S. 22 amended.

Powers of corporation.

7. Paragraph (3) of subsection 2 of section 22 of the said Act is repealed, and the following paragraphs are substituted therefor:—

"(3) Maintain and operate harbour tracks and harbour lines and move cars thereon by any motive power for the carriage of goods to or from or between railways connecting with the said harbour tracks or lines, and for such purpose may build, purchase, lease or otherwise acquire and operate engines and other rolling stock, plant, machinery and appliances.

"(3A) Enter into agreements with regard to, or make by-aws providing for, the conditions under which such goods shall

be carried or such cars moved, and the compensation or rates payable to the corporation for the said carriage of goods or moving of cars, and all provisions of this Act respecting by-laws of the corporation shall, as far as possible, apply to by-laws made under this paragraph.

"(3B) Nothing in paragraphs (3) and (3A) hereof shall be construed to imply that the corporation has not previously possessed the powers therein expressly granted."

Explanatory note.—The substituted paragraphs merely extend the present paragraph without enlarging the powers. The purpose is to remove any doubt as to the powers of the Commissioners in respect of the matters referred to.

S. 26 amended. Rules for navigation.

8. Paragraph (*b*) of section 26 of the said Act is amended by striking out the word "port" in the second line of the said paragraph, and substituting therefor the word "harbour."

Use of channels.

9. Paragraph (*c*) of the said section is repealed.

Encroachments.

10. Paragraph (*e*) of the said section is amended by striking out the word "port" in the third line of the said paragraph and substituting therefor the word "harbour."

Explanatory note.—The change of jurisdiction over the port of Montreal necessitates the amendments in clauses 8, 9 and 10.

Procedure.

11. Paragraph (*r*) of the said section is amended by striking out the words "and of its powers as pilotage authority for the pilotage district of Montreal."

S. 38 amended.

12. Subsection 1 of section 38 of the said Act is amended by striking out the words "or of any pilotage dues payable under *The Pilotage Act*" in the fifth and sixth lines thereof.

S. 39 amended. Seizure for unpaid rates.

13. Paragraph (*a*) of section 39 of the said Act is repealed and the following is substituted therefor:—

"(*a*) Whenever any sum is due in respect of the vessel, for rates, or for commutation of rates, and is unpaid."

S. 41 amended.

14. Subsection 4 of section 41 of the said Act is amended by striking out the words "for pilotage dues, or is due" in the fourth line thereof.

S. 44 amended. Special jurisdiction of corporation.

15. Subsection 1 of section 44 of the said Act is repealed and the following is substituted therefor:—

"**44.** The corporation may continue to exercise, within the limits of the harbour of Montreal, jurisdiction, authority and control, civil and criminal, for the hearing and decision of the following matters:—

"(*a*) Any matter arising from the provisions of this Act, or of any by-law made thereunder; and any other matter so arising if it is an offence against the said provisions.

"(*b*) Any matter relating to any beach."

Explanatory note.—The Commissioners having ceased to be the pilotage authority for the district, the amendments in clauses 11 to 15, inclusive, are necessary.

S. 44 amended.

16. Paragraph (*a*) of subsection 2 of the said section is amended by striking out the words "port or" in the third and fourth lines of the said paragraph.

S. 46 amended.

17. Paragraph (*b*) of section 46 of the said Act is repealed.

Explanatory note.—As the Commissioners will have no jurisdiction over the port of Montreal, the references in the Act (mentioned in clauses 16 and 17 of this Bill) must be struck out.

154.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS OF CANADA.

BILL 154.

An Act respecting the Harbour Commissioners of Montreal.

First reading, April 23, 1909.

MR. BRODEUR.

OTTAWA
Printed by C. H. PARMELEE
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 155.

An Act to amend the Bank Act.

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

1. *The Bank Act*, chapter 29 of the Revised Statutes, 1906, is amended by inserting the following section immediately after section 114 thereof:— R. S., c. 29 amended. Section added.

"**114A.** The bank shall transfer and pay over to the Minister of Finance and Receiver General, notwithstanding any statute of limitation or other Act relating to prescription,— Transfer and payments to Minister of unclaimed—

"(*a*) all stock, no dividend whereon is claimed for six years before the last day on which a dividend thereon becomes payable (except where payment of dividend has been restrained by order of a court); Stock.

"(*b*) all dividends which have remained unpaid for more than six years after they became payable: Dividends.

"(*c*) all sums or money, deposits or balances in respect of which no transactions have taken place, or upon which no interest has been paid, or no acknowledgement has been made by the bank, or to which no claim has been made by any person entitled thereto, during the six years prior to the date of the last annual return of the bank. Moneys, deposits and balances.

"2. If a claim to any stock so transferred or money so paid is thereafter established to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, direct the retransfer or payment thereof to be made to the person entitled thereto, together with interest on the principal sum thereof, at the rate of three per cent per annum, for a period not exceeding six years from the date of transfer or payment thereof to the Minister as aforesaid: Provided that no such interest shall be paid or payable on such principal sum unless interest thereon was payable by the bank transferring or paying the same to the Minister. Governor in Council may order transfer or payment to person entitled. Interest.

"3. Upon transfer or payment to the Minister as herein provided, the bank and its assets shall be held to be discharged from further liability for the stock so transferred and the amounts so paid." Bank discharged.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 155.

An Act to amend the Bank Act.

First reading, April 23, 1909.

MR. SHARPE,
(North Ontario.)

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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 156.

An Act to amend the Yukon Act.

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

1. Section 37 of *The Yukon Act*, chapter 63 of the Revised Statutes, 1906, is amended by adding at the end thereof the words "or of the Yukon Territory." R. S., c. 63, s. 37 amended. Qualifications of judge.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 156.

An Act to amend the Yukon Act.

First reading, April 26, 1909.

MR. AYLESWORTH.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 159.

An Act to establish a Commission for the Conservation of Natural Resources.

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

1. There shall be a body to be known as "The Commission of Conservation," hereinafter called "the Commission." Commission constituted.

2. In addition to ex officio members, the Commission shall consist of twenty members appointed by the Governor in Council, and who shall hold office during pleasure. Members appointed by Governor in Council.

3. The Minister of Agriculture, the Minister of the Interior, the Minister of Mines and the member of each provincial government in Canada who is charged with the administration of the natural resources of such province shall be ex officio members of the Commission. Ex-officio members.

4. Of the members appointed by the Governor in Council, at least one member appointed from each province shall be a member of the faculty of a university within such province, if there be such university. University members.

5. The Governor in Council may appoint one of the members of the Commission to be its chairman. Chairman.

6. The chairman shall preside at all meetings of the Commission, take the necessary steps for carrying into effect the decisions and recommendations of the Commission, direct the work of the permanent officers thereof, and generally act as the administrative head of the Commission. Duties of chairman.

7. The Commission shall meet annually on the third Tuesday in January, in the city of Ottawa, or in such other place in Canada as is decided by the Commission or by any committee thereof appointed to decide upon the place of meeting. Annual meeting.

8. The chairman may, with the concurrence of five members of the Board, summon a special meeting of the Commission at any time or place. Special meetings.

9. No fees or emoluments of any kind whatever shall be received by the chairman or other members of the Commission, No fees or emoluments to members.

Payment of actual disbursements.

but they shall be repaid their actual reasonable disbursements incurred in travelling to, returning from, and remaining at meetings of the Commission. The chairman shall be paid any similar disbursements incurred in travelling or otherwise attending to the work of the Commission. Before any such payment is made a statement shall be rendered by the member of the Commission to whom payment is to be made, which statement shall be certified by the secretary and countersigned by the chairman, and thereafter payment may be made out of any moneys appropriated by Parliament for the purpose of the Commission.

Duties of Commission.

10. It shall be the duty of the Commission to take into consideration all questions which may be brought to its notice relating to the conservation and better utilisation of the natural resources of Canada, to make such inventories, collect and disseminate such information, conduct such investigations inside and outside of Canada, and frame such recommendations as seem conducive to the accomplishment of that end.

Secretary, officers and clerks.

11. The Governor in Council may appoint a secretary to the Commission and such officers and clerks under him as are deemed necessary for carrying on the work of the Commission. Such officers and clerks shall be appointed under *The Civil Service Amendment Act, 1908.*

Temporary assistants.

12. The Commission may, notwithstanding the provisions of *The Civil Service Act*, employ such assistants as are necessary for the purpose of any special work or investigation, and the remuneration and expenses of such assistants in carrying on the work committed to them may be paid out of the said Parliamentary appropriation on the certificate of the chairman and the secretary, but no permanent officer or employee shall be appointed by the Commission, and the employment of such assistants shall terminate immediately upon the completion of the special work for which they were employed.

No permanent appointments.

Annual report.

13. The Commission shall make its report to the Governor in Council at the end of each fiscal year, and the said report shall be printed, and laid before both Houses of Parliament.

159.

1st Session, 11th Parliament, 9 Edward VII

THE HOUSE OF COMMONS OF CANADA.

BILL 159.

An Act to establish a Commission for Conservation of Natural Resources

First reading, April 28, 1909.

MR. FISHER

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 162.

An Act to amend the Customs Tariff, 1907.

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

1. Schedule A to *The Customs Tariff, 1907*, chapter 11 of the statutes of 1907, is amended by inserting the following items immediately after item 135a:— 1907, c. 11, Sch. A amended. Tariff items added.

Tariff Items.	——	British Preferential Tariff.	Intermediate Tariff.	General Tariff.
"135b	Raw sugar as described in tariff item 135, when imported to be refined in Canada by Canadian sugar refiners, to the extent of twice the quantity of sugar refined during the calendar years 1909, 1910 and 1911 by such refiners from sugar produced from Canadian beet root, and an equal quantity of sugar to that refined during the calendar years 1912 and 1913 by such refiners from sugar produced in Canada from Canadian beet root—the whole under regulations by the Minister of Customs—			
	Per one hundred pounds testing not more than seventy-five degrees by the polariscope....	31½ cents.	31½ cents.	31½ cents.
	And per one hundred pounds for each tadditional degree over seventy-five degrees.....	1 cent.	1 cent.	1 cent.
	Provided that sugar imported under this item shall not be subject to special duty.			
	This item to expire December 31, 1914.			
"135c	Raw sugar as described in tariff item 135, when imported to be refined in Canada by any sugar refining company not engaged in refining sugar from the product of Canadian beet root, to the extent of one-fifth of the weight of sugar refined from raw sugar by such refining company in Canada during the calendar year in which such raw sugar is imported—under regulations by the Minister of Customs—			
	Per one hundred pounds testing not more than seventy-five degrees by the polariscope....	31½ cents.	31½ cents.	31½ cents.
	And per one hundred pounds for each additional degree over seventy-five degrees.....	1 cent.	1 cent.	1 cent.
	Provided that suga rimported under this item shall not be subject to special duty."			

Commencement of Act.

2. This Act shall be deemed to have come into operation on the twenty-first day of April, one thousand nine hundred and nine, and to apply and have applied to the raw sugar described in the amendments made to the said schedule A by this Act imported or taken out of warehouse for consumption on or after that day, and to have applied to such raw sugar previously imported for which no entry for consumption was made before that day.

Application.

162.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS OF CANADA.

BILL 162.

An Act to amend the Customs Tariff, 1907.

First reading, April 28, 1909.

MR. FIELDING.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 164.

An Act to amend the Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act.

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

1. Paragraph (*e*) of section 2 of chapter 22 of the statutes of 1907 is repealed, and the following is substituted therefor:— 1907, c. 22, s. 2 amended.

"(*e*) 'The Government Railways Managing Board' means the persons appointed to manage the railway, and 'general manager' means the member of the Board who is nominated by the Board to act for it for the purposes of this Act." "Managing Board." "General Manager."

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 164.

An Act to amend the Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act.

First reading, April 30, 1909.

MR. GRAHAM.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 165.

An Act respecting the Department of Labour.

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 Labour Department Act.*

Department constituted.

2. There shall be a department of the Government of Canada which shall be called the Department of Labour, over which the Minister of Labour for the time being, appointed by the Governor General by Commission under the Great Seal, shall preside.

Minister.

2. The Minister of Labour shall hold office during pleasure, and shall have the management and direction of the department.

Salary.

3. The salary of the Minister of Labour shall be $7,000 per annum.

Deputy Minister. Clerks.

3. The Governor in Council may also appoint an officer who shall be called the Deputy Minister of Labour, and such officers, clerks and servants as are requisite for the proper conduct of the business of the department, all of whom shall hold office during pleasure.

Duties of Minister. R.S., c. 96. 1907, c. 20.

4. The Minister of Labour shall be charged with the administration of *The Conciliation and Labour Act* and *The Industrial Disputes Investigation Act, 1907*, and with such other duties as may be assigned to him by the Governor in Council.

165.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 165.

An Act respecting the Department of Labour.

First reading, April 30, 1909.

Sir WILFRID LAURIER.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 172.

An Act to amend the Railway Act.

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

R.S., c. 37, s. 276 amended. Warning of trains moving reversely.

1. Section 276 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is amended by striking out the words "or of the tender if that is in front," in the fourth and fifth lines thereof, and by inserting the words "the engineer and any" after the word "warn" in the sixth line thereof.

S. 393 amended. Penalty for trains moving reversely without warning.

2. Paragraph (*d*) of subsection 1 of section 393 of the said Act is amended by striking out the words "or of the tender if the tender is in front," in the fifth line of the said paragraph, and by inserting the words "the engineer and any" after the word "warn" in the sixth line thereof.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 172.

An Act to amend the Railway Act.

First reading, May 5, 1909.

MR. CURRIE,
(Simcoe.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 173.

An Act to amend the Manitoba Grain Act.

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

1. Subsection 4 of section 19 of *The Manitoba Grain Act*, chapter 83 of the Revised Statutes, 1906, as the said section is enacted by section 10 of chapter 45 of the statutes of 1908, is repealed and the following subsection is substituted therefor:— R.S., c. 83, s. 19 amended. 1908, c. 45, s. 10.

"4. No grain shall be received into or shipped from a public terminal elevator or an eastern transfer elevator without being officially weighed, unless both the owner and the carrier, or their duly authorized agents, order otherwise." Grain to be officially weighed.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 173.

An Act to amend the Manitoba Grain Act.

First reading, May 5, 1909.

MR. CURRIE,
(Simcoe.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 174.

An Act to correct a clerical error in chapter 63 of the statutes of 1908, respecting railway subsidies.

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

1. Paragraph 6 of section 2 of chapter 63 of the statutes of 1908 is amended by adding at the end thereof the figures "$200,000." 1908, c. 63, s. 2 amended. Clerical error corrected.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 174.

An Act to correct a clerical error in chapter 63 of the statutes of 1908, respecting railway subsidies.

First reading, May 5, 1909.

MR. GRAHAM.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 179.

An Act to amend the Canada Shipping Act.

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

1. Section 477 of *The Canada Shipping Act*, chapter 113 of the Revised Statutes, 1906, is amended by inserting the word "Ontario" after the word "Quebec" in the second line of sub-paragraph (ii) of paragraph (*c*) of subsection 1 of the said section.

R. S., c. 113, s. 477 amended.

Pilotage dues Ontario.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 179.

An Act to amend the Canada Shipping Act.

First reading, May 7, 1909.

MR. EDWARDS.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 186.

An Act respecting certain aid for the extension of the Canadian Northern Railway.

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

1908, c. 11, s. 3 amended.

1. Section 3 of chapter 11 of the statutes of 1908 is amended by inserting after the word "thereon," in the second line, the words "and the deed of trust by way of mortgage or charge securing the same, dated the thirtieth day of May, one thousand nine hundred and four, confirmed by chapter 37 of the statutes of Manitoba of 1905, and the securities issued, and which may hereafter be issued, under the terms of the said deed of trust."

Lien on company's property.

Man., 1905, c. 37.

Authority to amend trust deed.

2. The Canadian Northern Railway Company and the trustees of the deed of trust, made pursuant to the said chapter 11 of the statutes of 1908, between the Canadian Northern Railway Company, the British Empire Trust Company, Limited, National Trust Company, Limited, and His Majesty the King, represented by the Honourable the Minister of Finance and Receiver General of Canada, dated the twenty-first day of October, one thousand nine hundred and eight, may execute the necessary supplementary instruments amending the same and making provisions in accordance with the terms of this Act; and the said deed of trust as so amended and the securities thereby secured are hereby confirmed, and the guarantee of the Government of Canada annexed to the said deed of trust shall apply to the securities issued or to be issued under the said deed as amended, and the same is hereby confirmed.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 186.

An Act respecting certain aid for the extension of the Canadian Northern Railway.

First reading, May 12, 1909.

MR. GRAHAM.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE HOUSE OF COMMONS OF CANADA.

BILL 187.

An Act to authorize certain increases of salary to members of the Civil Service, Inside Service.

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

Salary increases may be granted in certain cases.

1. The Governor in Council, upon the recommendation of the head of a department, based upon a report of the deputy head, may grant to any officer, clerk or employee under the deputy heads in the inside service, as defined by *The Civil Service Amendment Act, 1908*, who was in the public service at the time of the coming into force of that Act, an increase of salary of one hundred and fifty dollars a year, subject to the provisions hereinafter contained.

Offset of previous increase.

2. In the case of any officer, clerk or employee who has received an increase of salary upon organization and classification under the said Act, such increase shall be offset against the increase which such person might otherwise receive under this Act.

Maximum shall not be exceeded.

3. No increase under this Act to any officer, clerk or employee shall exceed the difference between his present salary and the maximum salary of the subdivision in which he has been placed upon organization and classification under the said Act.

Increases to date from Sept. 1, 1908.

4. All increases granted hereunder shall take effect from the first day of September, one thousand nine hundred and eight.

Funds for payment of moneys.

5. All sums of money voted by Parliament for the financial year ending on the thirty-first day of March, one thousand nine hundred and nine, and applicable to the payment of salaries or increase of salaries of persons in the inside service, shall be applicable to the payment of increases of salary granted under this Act so far as such sums are not required for the specific purposes for which they were granted; and during the financial years ending on the thirty-first day of March, one thousand nine

hundred and nine, and one thousand nine hundred and ten, respectively, there may be paid out of the Consolidated Revenue Fund of Canada such further moneys as may be required for the payment of increases of salaries hereunder as have not been voted by Parliament, not to exceed the detailed amounts in each case as set forth in the schedule to this Act.

SCHEDULE.

DEPARTMENT OF AGRICULTURE.

Division.	Sub-division.	Number.	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909, to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
First.....	A.	4	150 00		350 00		600 00
	B.	15	150 00	1,312 50		2,250 00	
		1	100 00	58 34		100 00	
					1,370 84		2,350 00
Second.....	A.	22	150 00	1,925 00		3,300 00	
		3	100 00	175 00		300 00	
		2	50 00	58 34		100 00	
					2,158 34		3,700 00
	B.	56	150 00	4,900 00		8,400 00	
		4	100 00	233 33		400 00	
					5,133 33		8,800 00
Third.....	A.	24	150 00	2,100 00		3,600 00	
		14	100 00	816 67		1,400 00	
		1	50 00	29 17		50 00	
					2,945 84		5,050 00
	B.	60	150 00	5,250 00		9,000 00	
		1	125 00	72 91		125 00	
		25	100 00	1,458 50		2,500 00	
		3	50 00	87 50		150 00	
					6,868 91		11,775 00
Messengers.....	.....	5	150 00	437 50		750 00	
		5	100 00	291 66	729 16	500 00	1,250 00
		245			19,556 42		33,525 00

AUDITOR GENERAL'S OFFICE.

First.....	A.	1	150 00		87 50		150 00
	B.	3	150 00	262 50		450 00	
		2	150 00	58 34		100 00	
					320 84		550 00
Second.....	A.	2	150 00	175 00		300 00	
		1	100 00	58 34		100 00	
		5	50 00	145 84		250 00	
					379 18		650 00
	B.	15	150 00	1,312 50	1,312 50		2,250 00
Third	A.	4	150 00	350 00		600 00	
		6	100 00	350 00		600 00	
		4	50 00	116 67		200 00	
					816 67		1,400 00
	B.	19	150 00	1,662 50		2,850 00	
		3	100 00	175 00		300 00	
					1,837 50		3,150 00

SCHEDULE—*Continued.*

AUDITOR GENERAL'S OFFICE—*Concluded.*

Division.	Sub-division.	Number	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909, to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Messengers.....	.....	1	150 00	87 50		150 00	
		2	100 00	116 67		200 00	
					204 17		350 00
		70			4,958 36		8,500 00
DEPARTMENT OF CUSTOMS.							
First.....	A.	1	150 00		87 50		150 00
	B.	3	150 00		262 50		450 00
Second.....	A.	9	150 00	787 50		1,350 00	
		2	100 00	116 67		200 00	
		2	50 00	58 34		100 00	
					962 51		1,650 00
	B.	114	150 00	9,975 00		17,100 00	
		6	100 00	350 00		600 00	
					10,325 00		17,700 00
Third.....	A.	13	150 00	1,137 50		1,950 00	
		7	100 00	408 34		700 00	
		3	50 00	87 50		150 00	
					1,633 34		2,800 00
	B.	2	150 00	175 00		300 00	
		2	100 00	116 67		200 00	
		1	50 00	29 17		50 00	
					320 84		550 00
Messengers and Packers.....	.....	3	150 00	262 50		450 00	
		1	100 00	58 34		100 00	
		1	50 00	29 17		50 00	
					350 01		600 00
		170			13,941 70		23,900 00
DEPARTMENT OF FINANCE.							
First.....	A.	1	150 00		87 50		150 00
	B.	2	150 00	175 00		300 00	
		2	50 00	58 34		100 00	
					233 34		400 00
Second.....	A.	9	150 00	787 50		1,350 00	
		1	50 00	29 17		50 00	
					816 67		1,400 00
	B.	11	150 00	962 50		1,650 00	
		5	100 00	291 66		500 00	
					1,254 16		2,150 00
Third.....	A.	3	150 00	262 50		450 00	
		1	100 00	58 34		100 00	
					320 84		550 00

SCHEDULE—*Continued.*

DEPARTMENT OF FINANCE—*Concluded.*

Division.	Sub-division.	Number.	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909, to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
	B.	20	150 00	1,750 00		3,000 00	
		21	100 00	1,225 00		2,100 00	
		1	68 00	39 67		68 00	
					3,014 67		5,168 00
Messengers.....	.....	4	100 00		233 34		400 00
		81			5,960 58		10,218 00

GOVERNOR GENERAL'S SECRETARY'S OFFICE.

First.....	A.	1	150 00		87 50		150 00
Second.....	A.	1	150 00		87 50		150 00
Third.....	A.	1	150 00		87 50		150 00
	B.	1	150 00		87 50		150 00
Messengers.....	.....	4	100 00		233 34		400 00
		8			583 34		1,000 00

DEPARTMENT OF INDIAN AFFAIRS.

First.....	A.	1	50 00		29 17		50 00
	B.	4	150 00	350 00		600 00	
		1	100 00	58 34		100 00	
		1	50 00	29 17		50 00	
					437 51		750 00
Second.....	A	7	150 00	612 50		1,050 00	
		2	100 00	116 68		200 00	
					729 18		1,250 00
	B.	10	150 00	875 00		1,350 00	
		3	100 00	175 00		300 00	
					1,050 00		1,650 00
Third.....	A.	14	150 00	1,225 00		2,100 00	
		7	100 00	408 34		700 00	
		2	50 00	58 34		160 00	
					1,691 68		2,900 00
	B.	10	150 00		875 00		1,350 00
Messengers and Packers.....	.....	3	150 00	262 50		450 00	
		2	100 00	116 68	379 18	200 00	650 00
		67			5,191 72		8,600 00

SCHEDULE—*Continued.*

DEPARTMENT OF INLAND REVENUE.

Division.	Sub-division.	Number	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909, to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
First.....	A.	1	150 00	87 50		150 00	
		1	50 00	29 17		50 00	
					116 67		200 00
	B.	3	100 00	175 00		300 00	
		3	50 00	87 50		150 00	
					262 50		450 00
Second.....	A.	4	150 00	350 00		600 00	
		1	100 00	58 34		100 00	
					408 34		700 00
	B.	15	150 00	1,312 50		2,250 00	
		1	100 00	58 34		100 00	
					1,370 84		2,350 00
Third.....	A.	13	150 00	1,137 50		1,950 00	
		3	100 00	175 00		300 00	
		2	50 00	58 33		100 00	
					1,370 83		2,350 00
	B.	8	150 00	700 00		1,200 00	
		3	100 00	175 00		300 00	
		1	50 00	29 17		50 00	
					904 17		1,550 00
Messengers, etc.....			150 00	87 50		150 00	
		1	100 00	58 34		100 00	
		1	50 00	29 17		50 00	
					175 01		300 00
		62			4,608 36		7,900 00

OFFICE OF THE SUPERINTENDENT OF INSURANCE.

First.....	A.	1	150 00		87 50		150 00
Second.....	B.	3	150 00		262 50		450 00
Third.....	A.	2	100 00	116 67		200 00	
		1	50 00	29 17		50 00	
					145 84		250 00
	B.	2	150 00		175 00		300 00
		9			670 84		1,150 00

DEPARTMENT OF THE INTERIOR.

First.....	A.	10	150 00	875 00		1,500 00	
		1	50 00	29 17		50 00	
					904 17		1,550 00
	B.	17	150 00	1,487 50		2,550 00	
		5	100 00	291 68		500 00	
		1	50 00	29 17		50 00	
					1,808 35		3,100 00

SCHEDULE—*Continued.*

DEPARTMENT OF THE INTERIOR—*Concluded.*

Division.	Sub-division.	Number	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909, to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Second.....	A.	60	150 00	5,250 00		9,000 00	
		3	100 00	175 00		300 00	
		3	50 00	87 50		150 00	
					5,512 50		9,450 00
	B.	226	150 00	19,775 00		33,900 00	
		3	100 00	175 00		300 00	
		2	50 00	58 34		100 00	
					20,008 34		34,300 00
Third.....	A.	41	150 00	3,587 50		6,150 00	
		13	100 00	758 34		1,300 00	
		7	50 00	204 17		350 00	
					4,550 01		7,800 00
	B.	142	150 00	12,425 00		21,300 00	
		1	130 00	75 84		130 00	
		68	100 00	3,966 65		6,800 00	
		12	80 00	560 00		960 00	
		2	50 00	58 34		100 00	
					17,085 83		29,290 00
Packers.....	.....	1	150 00		87 50		150 00
Messengers.....	.....	12	150 00	1,050 00		1,800 00	
		3	100 00	175 00		300 00	
					1,225 00		2,100 00
		633			51,181 70		87,740 00

DEPARTMENT OF JUSTICE.

First.....	A.	6	150 00		525 00		900 00
	B	4	150 00	350 00		600 00	
		2	50 00	58 34		100 00	
					408 34		700 00
Second.....	A.	7	150 00	612 50	612 50	1,050 00	1,050 00
	B.	12	150 00	1,050 00		1,800 00	
		1	100 00	58 34		100 00	
					1,108 34		1,900 00
Third.....	A.	1	150 00	87 50		150 00	
		2	50 00	58 34		100 00	
					145 84		250 00
	B.	1	150 00	87 50		150 00	
		1	100 00	58 34		100 00	
					145 84		250 00
Messengers.....	.....	3	150 00	262 50		450 00	
		4	100 00	233 34		400 00	
					495 84		850 00
		44			3,441 70		5,900 00

SCHEDULE—*Continued.*

DEPARTMENT OF LABOUR.

Division	Sub-division.	Number	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909, to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
First.....	A.	1	50 00		4 17		
Second.....	A.	2	150 00		175 00		300 00
	B.	4	150 00	350 00		600 00	
		3	100 00	175 00		300 00	
					525 00		900 00
Third.....	A.	1	150 00		87 50		150 00
	B.	3	150 00		262 50		450 00
Messengers.....	.....	1	150 00		87 50		150 00
		15			1,141 67		1,950 00

DEPARTMENT OF MARINE AND FISHERIES.

First.....	A.	5	150 00		437 50		750 00
	B.	8	150 00	700 00		1,200 00	
		3	100 00	175 00		300 00	
					875 00		1,500 00
Second.....	A.	17	150 00	1,487 50		2,550 00	
		2	100 00	116 67		200 00	
		3	50 00	87 50		150 00	
					1,691 67		2,900 00
	B.	46	150 00	4,025 00		6,900 00	
		3	100 00	175 00		300 00	
					4,200 00		7,200 00
Third.....	A.	4	150 00	350 00		600 00	
		7	100 00	408 34		700 00	
		12	50 00	350 00		600 00	
					1,108 34		1,900 00
	B.	25	150 00	2,187 50		3,750 00	
		3	100 00	175 00		300 00	
		1	80 00	46 67		80 00	
		3	50 00	87 50		150 00	
					2,496 67		4,280 00
Messengers.....	.....	2	150 00	175 00		300 00	
		2	100 00	116 67		200 00	
		2	80 00	93 33		160 00	
					385 00		660 00
		148			11,194 18		19,190 00

SCHEDULE—*Continued.*

DEPARTMENT OF MILITIA AND DEFENCE.

Division.	Sub-division.	Number.	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909. to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts
First.....	A.	3	150 00		262 50		450 00
	B.	4	150 00	350 00		600 00	
		1	100 00	58 33		100 00	
					408 33		700 00
Second.....	A.	6	150 00	525 00		900 00	
		2	100 00	116 66		200 00	
		1	50 00	29 17		50 00	
					70 83		1,150 00
	B.	18	150 00	1,575 00		2,700 00	
		2	100 00	116 66		200 00	
					1,691 66		2,900 00
Third.....	A.	9	150 00	787 50		1,350 00	
		5	100 00	291 65		500 00	
		6	50 00	175 02		300 00	
					1,254 17		2,150 00
	B.	28	150 00	2,450 00		4,200 00	
		1	100 00	58 33		100 00	
		1	70 00	40 83		70 00	
					2,549 16		4,370 00
Messengers and Packers.....	.....	2	150 00	175 00		300 00	
		2	100 00	116 66		200 00	
		2	70 00	81 66		140 00	
					373 32		640 00
		93			7,209 97		12,360 00

DEPARTMENT OF MINES.

First.....	A.	3	150 00		262 50		450 00
	B.	12	150 00		1,050 00		1,800 00
Second.....	A.	18	150 00	1,575 00		2,700 00	
		1	112 50	65 63		112 00	
		2	100 00	116 67		200 00	
					1,757 30		3,012 50
	B.	19	150 00	1,662 50		2,850 00	
		3	100 00	175 00		300 00	
		1	50 00	29 17		50 00	
					1,866 67		3,200 00
Third.....	A.	4	150 00	350 00		600 00	
		3	100 00	175 00		300 00	
		2	50 00	58 34		100 00	
					583 34		1,000 00
	B.	5	150 00	437 00		750 00	
		1	100 00	58 34		100 00	
		1	33 50	19 55		33 50	
		1	140 00	81 67		140 0	
					597 06		1,023 50

SCHEDULE—*Continued.*

DEPARTMENT OF MINES—*Concluded.*

Division.	Sub-division.	Number.	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909, to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Messengers.....	.....	4	150 00	350 00		600 00	
		1	100 00	58 34		100 00	
		1	70 00	40 84		70 00	
					449 18		770 00
		82			6,566 05		11,256 00

POST OFFICE DEPARTMENT.

First.....	A.	2	150 00		175 00		300 00
	B.	1	100 00		58 34		100 00
Second.....	A.	12	150 00	1,050 00		1,800 00	
		4	100 00	233 34		400 00	
		7	50 00	204 17		350 00	
					1,487 51		2,550 00
	B.	38	150 00	3,325 00		5,700 00	
		10	100 00	583 34		1,000 00	
					3,908 34		6,700 00
Third.....	A.	59	150 00	5,162 50		8,850 00	
		65	100 00	3,791 67		6,500 00	
		20	50 00	583 34		1,000 00	
					9,537 51		16,350 00
	B.	111	150 00	9,712 50		16,650 00	
		1	120 00	70 00		120 00	
		43	100 00	2,508 34		4,300 00	
					12,290 84		21,070 00
Porters.....	.....	2	150 00		175 00		300 00
Sorters.....	.....	19	150 00		1,662 50		2,850 00
Packers.....	.....	5	150 00	437 50		750 00	
		7	120 00	490 00		840 00	
		4	100 00	233 34		400 00	
		5	96 00	280 00		480 00	
					1,440 84		2,470 00
Messengers.....	.....	4	150 00	350 00		600 00	
		3	120 00	210 00		360 00	
		5	100 00	291 67		500 00	
		1	96 00	56 00		96 00	
		1	42 00	24 50		42 00	
					932 17		1,598 00
		429			31,668 05		54,288 00

SCHEDULE—*Continued.*

DEPARTMENT OF PRINTING AND STATIONERY.

Division.	Sub-division.	Number	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909, to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
First	A.	1	100 00		58 34		100 00
	B.	1	150 00		87 50		150 00
Second	A.	1	150 00	87 50		150 00	
		1	100 00	58 34		100 00	
					145 84		250 00
	B.	14	150 00	1,225 00		2,100 00	
		4	100 00	233 34		400 00	
					1,458 34		2,500 00
Third	A.	10	150 00	875 00		1,500 00	
		5	100 00	291 66		500 00	
		1	138 00	80 50		138 00	
					1,247 16		2,138 00
	B.	7	150 00	612 50		1,050 00	
		1	100 00	58 34		100 00	
		1	80 00	46 67		80 00	
					717 51		1,230 00
Messengers		3	100 00		175 00		300 00
Packers		7	150 00	612 50		1,050 00	
		1	100 00	58 34		100 00	
					670 84		1,150 00
		58			4,560 53		7,818 00

PRIVY COUNCIL.

First	A.	1	150 00		87 50		150 00
Second	A.	2	150 00	175 00		300 00	
		1	50 00	29 17		50 00	
					204 17		350 00
	B.	5	150 00		437 50		750 00
Third	A.	2	150 00	175 00		300 00	
		2	100 00	116 67		200 00	
					291 67		500 00
Messengers		1	150 00	87 50		150 00	
		4	100 00	233 36		400 00	
					320 86		550 00
		18			1,341 70		2,300 00

SCHEDULE—*Continued.*

DEPARTMENT OF PUBLIC WORKS.

Division.	Sub-division.	Number.	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909, to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
First.....	A.	8	150 00		700 00		1,200 00
	B.	12	150 00	1,050 00		1,800 00	
		3	50 00	87 50		150 00	
					1,137 50		1,950 00
Second.....	A.	28	150 00	2,450 00		4,200 00	
		1	100 00	58 34		100 00	
		1	75 00	43 75		75 00	
		6	50 00	175 00		300 00	
					2,727 09		4,675 00
	B.	60	150 00	5,250 00		9,000 00	
		11	100 00	641 67		1,100 00	
		2	140 00	163 34		280 00	
					6,055 01		10,380 00
Third.....	A.	29	150 00	2,537 50		4,350 00	
		4	100 00	233 34		400 00	
		3	50 00	87 50		150 00	
					2,858 34		4,900 00
	B.	19	150 00	1,662 50		2,850 00	
		12	100 00	700 00		1,200 00	
		5	50 00	145 84		250 00	
					2,508 34		4,300 00
Messengers.....	.....	1	150 00	87 50		150 00	
		9	100 00	525 00		900 00	
		2	50 00	58 34		100 00	
					670 84		1,150 00
		216			16,657 12		28,555 00

DEPARTMENT OF RAILWAYS AND CANALS.

First.....	A.	4	150 00		350 00		600 00
	B.	7	150 00		612 50		1,050 00
Second.....	A.	8	150 00	700 00		1,200 00	
		1	100 00	58 34		100 00	
		1	75 00	43 75		75 00	
					802 09		1,375 00
	B.	11	150 00	962 50		1,650 00	
		1	100 00	58 34		100 00	
					1,020 84		1,750 00
Third.....	A.	7	150 00	612 50		1,050 00	
		3	100 00	175 00		300 00	
		3	50 00	87 50		150 00	
					875 00		1,500 00
	B.	16	150 00	1,400 00		2,400 00	
		4	100 00	233 34		400 00	
		8	50 00	233 34		400 00	
					1,866 68		3,200 000

SCHEDULE—*Continued.*

DEPARTMENT OF RAILWAYS AND CANALS—*Concluded.*

Division.	Sub-division.	Number.	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909, to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Messengers...	.....	3	150 00	262 50		450 00	
		1	100 00	58 34		100 00	
					320 84		550 00
		78			5,847 95		10,025 00
ROYAL NORTH-WEST MOUNTED POLICE.							
Second.....	A.	1	50 00		29 17		50 00
	B.	2	150 00		175 00		300 00
Third.....	A.	2	150 00		175 00		300 00
Messengers and Packers.....	.....	3	100 00		175 00		300 00
		8			554 17		950 00
DEPARTMENT OF THE SECRETARY OF STATE.							
First.....	A.	1	150 00		87 50		150 00
	B.	1	150 00	87 50		150 00	
		1	100 00	58 34		100 00	
					145 84		250 00
Second.....	A.	6	150 00	525 00		900 00	
		1	50 00	29 17		50 00	
					554 17		950 00
	B.	5	150 00	437 50		750 00	
		3	100 00	175 00		300 00	
					612 50		1,050 00
Third.....	A.	3	150 00	262 50		450 00	
		1	100 00	58 34		100 00	
		1	50 00	29 17		50 00	
					350 01		600 00
	B.	3	150 00	262 50		450 00	
		1	100 00	58 34		100 00	
					320 84		550 00
Messengers.....	.....	2	150 00	175 00		300 00	
		2	100 00	116 67		200 00	
					291 67		500 00
		31			2,362 53		4,050 00

SCHEDULE—*Continued.*

DEPARTMENT OF TRADE AND COMMERCE.

Division.	Sub-division.	Number	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909, to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
Second.....	A.	1	150 00	87 50		150 00	
		1	50 00	29 17		50 00	
					116 67		200 00
	B.	1	150 00		87 50		150 00
Third.....	A.	5	150 00	437 50		750 00	
		1	100 00	58 34		100 00	
		2	50 00	58 34		100 00	
					554 18		950 00
	B.	4	150 00		350 00		600 00
Messengers.....	.....	2	150 00	175 00		300 00	
		1	100 00	58 34		100 00	
					233 34		400 00
		18			1,341 69		2,300 00

DEPARTMENT OF TRADE AND COMMERCE—ANNUITIES BRANCH.

Second.....	A.	1	150 00		87 50		150 00
	B.	2	150 00		175 00		300 00
Third.....	B.	2	150 00	175 00		300 00	
		1	50 00	29 17		50 00	
					204 17		350 00
Messenger.....	.....	1	150 00		87 50		150 00
		7			554 17		950 00

SCHEDULE—*Concluded.*

HOUSE OF COMMONS.

Division.	Sub-division.	Number.	Increase.		Sept. 1, 1908, to March 31, 1909.		April 1, 1909. to March 31, 1910.
			$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
First.....	A.	3	150 00		262 50		450 00
	B.	26	150 00	2,275 00		3,900 00	
		1	50 00	29 17		50 00	
					2,304 17		3,950 00
Second.....	A.	18	150 00	1,575 00		2,700 00	
		3	50 00	87 51		150 00	
					1,662 51		2,850 00
	B.	8	150 00	700 00		1,200 00	
		2	100 00	116 68		200 00	
		1	50 00	29 17		50 00	
					845 85		1,450 00
Third.....	A.	2	150 00	175 00		300 00	
		3	100 00	175 00		300 00	
		2	50 00	58 34		100 00	
					408 34		700 00
Messengers.....	.....	2	150 00	175 00		300 00	
		3	100 00	175 00		300 00	
		4	50 00	116 68		200 00	
					466 68		800 00
		78			5,950 05		10,200 00

DEPARTMENT OF THE PRINTING OF PARLIAMENT—DISTRIBUTION OFFICE.

Second.....	B.	2	150 00		175 00		300 00
Third.....	A.	1	100 00		58 34		100 00
		3			233 34		400 00

LIBRARY OF PARLIAMENT.

Second.....	A.	3	150 00		262 50		450 00
Third.....	A.	4	150 00		350 00		600 00
	B.	1	150 00		87 50		150 00
Messengers.....	.....	4	100 00		233 34		400 00
		12			933 34		1,600 00

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE HOUSE OF COMMONS
OF CANADA.

BILL 187.

An Act to authorize certain increases of salary to members of the Civil Service, Inside Service.

First reading, May 12, 1909.

MR. FISHER.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL A

An Act relating to the Water-Carriage of Goods.

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

1. This Act may be cited as *The Water-Carriage of Goods Act*, 1909. Short title.

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

(*a*) "goods", includes goods, wares, merchandise, and articles of any kind whatsoever, but does not include live animals; "Goods."

(*b*) "ship" includes every description of vessel used in navigation not propelled by oars; "Ship."

(*c*) "port" means a place where ships may discharge or load cargo. "Port."

3. This Act applies to ships carrying goods from any port in Canada to any other port in Canada, or from any port in Canada to any port outside Canada, and to such goods carried by such ships, or received to be carried by such ships. Application of Act.

4. Where any bill of lading or document contains any clause, covenant or agreement whereby— Certain clauses prohibited in bill of lading.

(*a*) the owner, charterer, master, or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from negligence, fault, or failure in the proper loading, stowage, custody, care or delivery of goods received by them or any of them to be carried in or by the ship; or

(*b*) any obligations of the owner or charterer of any ship to exercise due diligence to properly man, equip, and supply the ship, and make and keep the ship seaworthy, and make and keep the ship's hold, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation, are in any wise lessened, weakened or avoided; or

(c) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to care for, preserve, and properly deliver them, are in any wise lessened, weakened or avoided;

that clause, covenant or agreement shall be illegal, null and void, and of no effect.

Express reference to be made to this Act.

5. Every bill of lading or document relating to the carriage of goods from any place in Canada to any place outside of Canada shall contain a clause to the effect that the shipment is subject to all the terms and provisions of, and all the exemptions from liability contained in, this Act; and any stipulation or agreement purporting to oust or lessen the jurisdiction of any court having jurisdiction at the port of loading in Canada in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

Jurisdiction.

Responsibility for navigation and management.

6. If the owner of any ship transporting merchandise or property from any port in Canada exercises due diligence to make the ship in all respects seaworthy and properly manned, equipped and supplied, neither the ship nor the owner, agent or charterer shall become or be held responsible for loss or damage resulting from faults or errors in navigation or in the management of the ship.

Loss for which the ship, the owner, etc., is not liable.

7. The ship, the owner, charterer, agent or master shall not be held liable for loss arising from fire, dangers of the sea or other navigable waters, acts of God or public enemies, or inherent defect, quality or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service, or from strikes, or for loss arising without their actual fault or privity or without the fault or neglect of their agents, servants or employees.

Limit of liability as to value of goods.

8. The ship, the owner, charterer, master or agent shall not be liable for loss or damage to or in connection with goods for a greater amount than one hundred dollars per package, unless a higher value is stated in the bill of lading or other shipping document, nor for any loss or damage whatever if the nature or value of such goods has been falsely stated by the shipper, unless such false statement has been made by inadvertence or error. The declaration by the shipper as to the nature and value of the goods shall not be considered as binding or conclusive on the ship, her owner, charterer, master or agent.

Effect of declaration.

Bill of lading to be issued to shipper.

9. Every owner, charterer, master or agent of any ship carrying goods, shall on demand issue to the shipper of such goods a bill of lading showing, among other things, the marks necessary for identification as furnished in writing by the shipper, the number of packages, the quality or the weight, as the case may be, and the apparent order and condition of the goods as delivered to or received by such owner, charterer,

Contents.

master or agent; and such bill of lading shall be *prima facie* evidence of the receipt of the goods as therein described. Effect as evidence.

10. When a ship arrives at a port where goods carried by the ship are to be delivered, the owner, charterer, master or agent of the ship shall forthwith give such notice as is customary at the port, to the consignees of goods to be delivered there, that the ship has arrived there. Notice of arrival of ship.

11. Everyone who, being the owner, charterer, master or agent of a ship— Penalties.

(*a*) inserts in any bill of lading or document any clause, covenant or agreement declared by this Act to be illegal; or makes, signs, or executes any bill of lading or document containing any clause, covenant or agreement declared by this Act to be illegal;

without incorporating *verbatim*, in conspicuous type, in the same bill of lading or document section 4 of this Act; or

(*b*) refuses to issue to a shipper of goods a bill of lading as provided by this Act; or

(*c*) refuses or neglects to give the notice of arrival of the ship required by this Act;

is liable to a fine not exceeding two thousand dollars, with cost of prosecution; and the ship may be libeled therefor in any Admiralty District in Canada within which the ship is found.

2. Such proportion of any penalty imposed under this section as the court deems proper, together with full costs, shall be paid to the person injured, and the balance shall belong to His Majesty for the public uses of Canada. Disposal of penalty.

12. Every one who knowingly ships goods of an inflammable or explosive nature, of or a dangerous nature, without before shipping the goods making full disclosure of their nature to, and obtaining the permission of, the agent, master or person in charge of the ship, is liable to a fine of one thousand dollars. Shipping inflammable, explosives or dangerous goods. Penalty.

13. Goods of an inflammable or explosive nature, or of a dangerous nature, shipped without permission from the agent, master or person in charge of the ship, may, at any time before delivery, be destroyed or rendered innocuous, by the master or person in charge of the ship, without compensation to the owner, shipper or consignee of the goods; and the person so shipping the goods shall be liable to the owner or charterer of the ship for all damages directly or indirectly arising out of such shipping. Master may destroy such goods, if shipped without disclosure. Shipper liable for damages.

14. This Act shall not apply to any bill of lading or document made pursuant to a contract entered into before this Act comes into force. Act not retroactive.

15. This Act shall come into force on the first day of September, A.D. 1909. Commencement of Act.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA

BILL

A

An Act relating to the Water-Carriage of Goods.

Received and read a first time,

Wednesday, 27th January, 1909.

Second reading,

Friday, 29th January, 1909.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by W. McMAHON
Printer to the King's most Excellent Majesty
1909

1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL B

An Act to amend The Government Annuities Act, 1908.

HIS Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1908, c. 5.

1. This Act may be cited as *The Government Annuities Amendment Act, 1909.* Mode of citing.

2. Subsection 1 of section 8 of *The Government Annuities Act, 1908*, is hereby amended by adding at the end thereof the words, "except, in the case of husband and wife, as regards annuities purchased before their marriage." 1908, c. 5, s. 8 amended. Amount of annuity.

3. The said section 8 is hereby further amended by adding thereto as subsection 5 thereof the following:— S. 8 further amended.

"**5.** 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, the Minister may make such conversion, if— Conversion of portion of husband's annuity into annuity for wife.

"(*a*) the application is made not less than three months before the time when the annuity becomes payable; and— Conditions.

"(*b*) the annuity so made payable to the wife does not exceed one-half of the husband's annuity; and—

"(*c*) the provisions of this Act and any regulations made under this Act are complied with in all material respects."

4. Section 10 of the said Act is hereby repealed and the following is substituted therefor:— S. 10 amended.

"**10.** Except as otherwise provided in this Act, no property, right, title, benefit or interest in, under, or arising out of a contract for an annuity shall be transferable, either at law or in equity. Rights to annuity not transferable.

"2. The Minister shall not receive nor be affected by notice, however given, of any trust affecting an annuity or affecting moneys paid or payable in respect of an annuity." Trusts not to be recognized.

5. Section 12 of the said Act is hereby repealed and the following is substituted therefor:— S. 12 amended.

Return of moneys paid if annuitant dies before receiving annuity.

"**12.** 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,—

"(*a*) If there is no express agreement between the Minister and the purchaser of the annuity as to dealing with such moneys, all such moneys shall be paid to the purchaser or his legal representatives, with interest thereon at the rate of three per cent per annum, compounded yearly;

"(*b*) If there is such an express agreement the moneys shall be dealt with as thereby provided."

Application

2. This section shall apply to contracts for annuities entered into before the passing of this Act.

1st Session, 11th Parliament, 8-9 Edward

THE SENATE OF CANAI

BILL.

B

An Act to amend The Governmen
ties Act, 1908.

First reading,

Wednesday, 27th January, 1

Second reading,

Friday, 29th January, 1909.

The Right Honourable
Sir Richard Cartwright, G.

OTTAWA
Printed by W. McMahon
Printer to the King's most Excellent
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL C.

An Act to amend *The Railway Act* with respect to persons in vehicles crossing railways.

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

1. *The Railway Act*, chapter 37 of *The Revised Statutes, 1906*, is hereby amended by inserting immediately after section 409 thereof the following section:— R. S., c. 37. New section.

"**409A.** Every one is liable on summary conviction to a penalty not exceeding dollars, who crosses or attempts to cross any line of railway at a highway crossing at rail-level, in or with any carriage, cart, wagon, sleigh, cutter, farmer's implement, automobile, or other vehicle of whatsoever nature, without first bringing such vehicle to a standstill at a point not less than feet nor more than feet from the nearest rail of such line of railway, and looking along the same in both directions, and also listening carefully to ascertain whether a train is approaching thereon." Penalty for crossing or attempting to cross railway without stopping, looking and listening.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

C

An Act to amend The Railway Act with respect to persons in vehicles crossing railways.

Received and read a first time,

Thursday, February 25, 1909.

Second reading,

Tuesday, March 2, 1909.

Honourable Mr. McMullen.

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL D.

An Act to incorporate the British Colonial Fire Insurance Company.

Preamble.

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

Incorporation.

1. Charles Eugene Dubord, a member of the Legislative Council of the province of Quebec, and Jean Baptiste Morissette, insurance underwriter, both of the city of Quebec; Ernest F. de Varennes, notary public and member of the Legislative Council of the province of Quebec, of Waterloo, in the county of Shefford, province of Quebec; Alexander Mathewson Nairn and Theodore Meunier, both of the city of Montreal, insurance underwriters; Edmond Guillet, manufacturer, of Marieville, in the county of Rouville, province of Quebec; and Israel Louis Lafleur, wholesale hardware merchant, of the city of Montreal; and J. E. Emile Leonard, advocate, of Ste. Rose, in the county of Laval, province of Quebec; together with such persons as become shareholders in the company, are hereby incorporated under the name of "British Colonial Fire Insurance Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

Powers for organization.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company, the 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 theron; 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 shall withdraw the said moneys for the purposes of the Company only; and they may do generally what is necessary to organize the Company.

Capital stock.

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

Calls.

4. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; no instalment shall exceed ten per cent; and not less than thirty days notice shall be given of any call.

Head office.

5. The head office of the Company shall be in the city of Montreal, in the province of Quebec.

Agencies.

2. Local advisory boards or agencies may be established and maintained either in Canada or elsewhere, at such times and in such manner as the directors from time to time direct.

First general meeting.

6. So soon as two hundred thousand dollars of the capital stock have been subscribed, and twenty-five 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 shares subscribed for by them, shall elect a board of not less than seven nor more than twenty-five directors, of whom a majority shall be a quorum.

Election of directors.

Qualification of directors.

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

Annual meeting.

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

Special general meetings.

2. Special general meetings may at any time be called by five of the directors or by requisition of any twenty-five shareholders specifying in the notice the object of such meeting.

Notice of meetings.

3. Notice of each such meeting shall be sufficiently given by printed or writen notice to each of the shareholders, mailed at least twenty days before the day for which the meeting is called, and addressed to the addresses of the shareholders respectively given in the books of the Company.

Business of the company.

8. The Company may generally carry on the business of fire, cyclone or tornado, inland marine and inland transportation insurance in all its branches, including the right to cause itself to be re-insured against any risk it may have undertaken, and to re-insure any other person against risks which such person may have undertaken.

Investment in foreign securities.

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

Power to hold real property.

10. The Company may acquire and hold any real property required in part or wholly for its use and accommodation, and may dispose thereof when necessary; but the annual value of such property held in any province in Canada shall not exceed three thousand dollars, except in the province of Quebec, where it shall not exceed ten thousand dollars.

Limitation.

When business may be commenced.

11. The Company shall not commence the business of insurance until two hundred thousand dollars of the capital stock have been subscribed and at least fifty 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.

Payments on capital.

12. 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 Acts.
R.S., c. 34.
Conflicting provisions.

13. Notwithstanding anything in *The Companies Act*, Part II thereof, except sections 125, 134, 141, 158 and 165 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.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

D

An Act to incorporate the British Colonial Fire Insurance Company.

First reading,

Friday, February 26, 1909.

Second reading,

Wednesday, March 3, 1909.

Honourable Mr. CHOQUETTE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL E.

An Act to incorporate the Dominion of Canada Burglary and Plate Glass Insurance Company.

Preamble.

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

Incorporation.

Corporate name.

1. Albert Edward Gooderham, Charles D. Warren, Robert L. Patterson, James F. W. Ross, William G. Blackstock and James E. Roberts, all of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Dominion of Canada Burglary and Plate Glass Insurance Company," hereinafter called the Company.

Provisional directors.

Powers for organization.

2. The persons named in section 1 of this Act, together with such persons, not exceeding six, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business; and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon; and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and may withdraw the same for the purposes of the Company only; and may do generally whatever is necessary to organize the Company.

Head office.

Agencies.

3. The head office of the Company shall be in the city of Toronto, in the province of Ontario.

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

Capital stock.

4. The capital stock of the Company shall be five hundred thousand dollars divided into shares of one hundred dollars each.

Increase of capital.

2. The directors may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding one million dollars; but the stock shall not be increased until a resolution of the board of directors authorizing such increase has first been submitted to, and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose: Provided that no issue of such increased capital stock shall be made except upon the payment of ten per cent in cash upon the amount of such issue.

First general meeting.

5. So soon as one 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 Toronto, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than five nor more than twenty directors, a majority of whom shall be a quorum.

Election of directors.

Quorum.

Qualification of directors.

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

General 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 commencement of business, and at such meeting 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 such meeting.

Notice of meeting.

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least ten days before the day for which the meeting is called and addressed by letter to the addresses of the shareholders respectively given in the books of the Company.

Calls on stock.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days notice shall be given of any call; and any notice of call may be effectually given by sending the notice by registered letter, post paid to the last known address of each shareholder: Provided that the whole amount so paid by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

Notice of call.

Business defined.

Plate glass insurance.

8. The Company may make and effect contracts of insurance with any person against loss or damage, by breakage or otherwise, to plate or other glass, whether affixed to and forming part

of a building, or stored or placed therein, or in transit on shore or afloat, upon such terms and conditions as may be agreed upon, and may generally carry on the business of plate glass insurance as defined by *The Insurance Act* in force from time to time.

Business defined.

9. The Company may—

Insurance against theft, burglary, &c.

(*a*) make and effect contracts of insurance with any person against loss or damage to property, real or personal, by reason of theft, burglary or house-breaking, upon such terms and conditions as are agreed upon, and may generally carry on the business of burglary insurance as defined by *The Insurance Act* in force from time to time;

Safe deposit vaults.

(*b*) establish safety deposit vaults in connection with its burglary insurance business for the purpose of receiving, guarding and caring for any property deposited with the Company and guaranteeing the same against loss or damage from theft, burglary or house-breaking;

Alarm system.

(*c*) for the purposes of protecting property against theft, burglary, house-breaking or fire, acquire, construct, install, equip, maintain and operate electrical, mechanical or any other devices or systems of detection, alarm or communication by electric wires or otherwise, whether inside or outside of buildings; and establish, equip, maintain and operate services of patrol or watch by persons wearing either uniform or ordinary clothing;

Patrol service.

Manufacture of plant, etc.

(*d*) manufacture, acquire, and dispose of all plant, equipment, implements, instruments, articles, devices and things necessary or expedient for the systems and services mentioned in the next preceding paragraph.

When business may be commenced.

10. The Company shall not commence business until one hundred thousand dollars of the capital stock have been subscribed and fifty thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act.

Powers to enter on highways, &c., and to construct lines.

11. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town or municipality, the Company may by its servants, agents or workmen—

(*a*) enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places in any city, incorporated town, village, county, municipality, or other place, for the purpose of constructing, erecting, equipping, working and maintaining its wires upon, along, across, over and under the same;

(*b*) erect, equip and maintain such and so many poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining the system of communication by wire; and stretch wires and other contrivances thereon;

(*c*) as often as the Company, its agents, officers or workmen think proper, break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places.

Power to hold real property.

Limitation.

12. The Company may acquire and hold any real property required in part or wholly for its use and accommodation, and may dispose thereof when necessary; but the annual value of such property held in any province of Canada shall not exceed three thousand dollars, except in the province of Ontario, where it shall not exceed ten thousand dollars.

Re-insurance.

13. The Company may also cause itself to be insured against any risk undertaken in the course of its business.

R.S., c. 34 to apply.

Also general Acts of this session.

Application.

14. 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 any provision of this Act is inconsistent with those Acts, the provision made by those Acts shall prevail.

Application of R.S., c. 79.

R.S., c. 34.

15. Notwithstanding anything contained in *The Companies Act*, Part II. thereof, except sections 122, 125, 134, 141, 158 and 165 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.

1st Session, 11th Parliament, 8-9 Edward VII

THE SENATE OF CANADA.

BILL

E

An Act to incorporate The Domini
Canada Burglary and Plate Glass
ance Company.

First reading,

Friday, 26th February, 1909.

Second reading,

Wednesday, 3rd March, 1909.

Honourable Mr. Ross,
(Middles

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL F.

An Act to incorporate The Governing Council of the Salvation Army in Canada.

Preamble.

WHEREAS the voluntary community or society of Christian persons known as The Salvation Army, which was founded in England by William Booth, usually known and designated as General of The Salvation Army, has carried on in Canada for many years its work of religion, charity and benevolence, in pursuance of the objects and purposes and according to the principles of organization, administration and discipline described in certain documents commonly known as and hereinafter called "the foundation deeds," namely in:—

(1.) A deed-poll, under his hand and seal, dated 7th August, 1878, and enrolled in the Chancery Division of the High Court of Justice in London, England, on 13th August, 1878;

(2.) A deed-poll, under his hand, dated 24th June, 1880, and enrolled in the Supreme Court of Judicature in London, England, on 20th April, 1906;

(3.) A deed-poll, under his hand and seal, dated 26th July, 1904, and enrolled in the Supreme Court of Judicature, in London, England, on 27th July, 1904;

a copy of each of which deeds-poll is set forth in the schedule to this Act; and whereas, with the consent and approval of the said William Booth, a petition praying that a corporation may be created for the purposes and with the powers hereinafter set forth, has been presented on behalf of The Salvation Army by the persons, usually designated by the titles herein affixed to their respective names, who hold in The Salvation Army the offices herein specified with regard to each such person, namely by Thomas Bales Coombs, commissioner in Canada; Nellie Coombs, wife of the said Thomas Bales Coombs, officer in charge of the womens' social work; Henry William Mapp, colonel, chief secretary; Albert Gaskin, lieutenant colonel, field secretary; Joseph Pugmire, lieutenant-colonel, men's social secretary; Thomas Howell, lieutenant-colonel, immigration secretary; John Sharp, lieutenant-colonel, provincial officer; William Barnard Turner, lieutenant-colonel, provincial officer; William Scott Potter, brigadier, financial and trade secretary; John Bond, brigadier, editor; Annie Stewart, brigadier, assistant for the womens' social work; Charles Taylor, brigadier, principal of the training school; John Southall, brigadier, advanced-training secretary; William Moreham, brigadier, divisional officer; Robert Hargrave, brigadier, provincial officer; John

Rawlings, major, property secretary; Frank Morris, major, provincial officer; William Green, major, divisional officer; 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:—

Incorporation.

1. The said Thomas Bales Coombs, Henry William Mapp, Albert Gaskin, William Scott Potter and John Rawlings, together with their successors as provided for by this Act, are hereby constituted a corporation under the name of "The Governing Council of The Salvation Army in Canada," hereinafter called "the Corporation," for the purposes of administering in Canada the property, business and other temporal affairs of The Salvation Army.

Corporate name.

Purposes.

Membership.

2. The said William Booth and his successors lawfully appointed, in accordance with the provisions of the foundation-deeds, to be General of The Salvation Army, may, at any time and from time to time, remove all or any of the members of the Corporation, and may fill any vacancies in the membership thereof caused by such removal or by death, resignation or otherwise, by appointment to be made from among:—

(*a*) the petitioners named in the preamble to this Act, or—

(*b*) the successors of the said petitioners in their respective offices in The Salvation Army; or—

(*c*) such other persons as, under the provisions of the foundation-deeds, may from time to time be appointed officers in Canada of The Salvation Army.

Head office.

3. The head office of the Corporation shall be in the city of Toronto, province of Ontario, and may be known and described as "The Territorial Headquarters." The Corporation may from time to time, by by-law, with the approval of the General of The Salvation Army, change the situation of the head office to any other place in Canada, and, with the like approval, establish branch offices or agencies in any place in Canada or elsewhere.

Branches.

Power to make by-laws.

4. The Corporation may, from time to time, make by-laws, not contrary to law nor inconsistent with the foundation-deeds, 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 committees and their duties;

(*d*) the calling of meetings, regular or special, of the Corporation or of 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.

Establishment, etc., of charitable institutions.

5. The Corporation may, throughout Canada, establish, acquire by purchase, lease, gift, devise, bequest or otherwise, build, maintain, manage and operate:—

(*a*) buildings and places for meetings, religious or secular, of The Salvation Army;

(*b*) offices for the transaction of its business;

(*c*) homes for its officers, and schools and colleges for their education and training;

(*d*) lodging houses, shelters, homes and workshops for the poor;

(*e*) hospitals and places of rest and recuperation for the sick and convalescent;

(*f*) homes for the rescue of fallen women;

(*g*) homes for children;

(*h*) homes and shelters for immigrants;

(*i*) generally, any buildings necessary for carrying out the eleemosynary, educational, religious or other benevolent objects and purposes of the Salvation Army.

Powers to aid immigrants.

6. The Corporation, in order to enable persons desirous of owning their own homes to acquire homesteads and to become self-supporting by their own labor in tilling the soil or otherwise, may;—

(*a*) promote, and assist in any manner, immigration into Canada from the United Kingdom and from foreign countries;

(*b*) establish, at any places in Canada, agricultural or industrial colonies, and maintain and manage such colonies;

(*c*) for the purpose of promoting the settlement and cultivation of any lands in such colonies, enter into agreements with settlers or intending settlers to aid them by making advances of money, goods, utensils or other necessaries, which advances may be secured upon such lands, or otherwise; and construct and operate, or aid in, or subscribe to works of construction, maintenance and improvement of roads, bridges, aqueducts, ditches, mills, and other similar works;

(*d*) generally, do all things necessary or expedient for the objects and purposes authorized by this section.

Commercial business.

7. The Corporation may, throughout Canada, establish, maintain, operate and carry on the following businesses:—

(*a*) printing and publishing;

(*b*) manufacturing, buying and selling goods, articles and appliances required by The Salvation Army, or by persons desirous of assisting the work of The Salvation Army by purchasing the manufactures of the Corporation.

Disposal of profits.

2. No officer, member or employee of the Corporation or of The Salvation Army shall receive any pecuniary profit from any such business, except reasonable salary or wages, or except by way of proper benefit from charitable funds of the Corporation in compensation for services rendered in or about such business; and all other pecuniary profits of the said businesses shall be applied to the objects and purposes of the Salvation Army.

Powers to acquire and hold real property.

8. 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 uses and purposes of the Corporation or of The Salvation Army set forth in sections 5, 6 and 7 of this Act, or to, for or in favour of any eleemosynary, educational, religious or other institution established or intended to be established, by, under the management of, or in connection with the work of the Corporation or The Salvation Army, or to, for, or in favour of the uses and purposes of any agricultural or industrial colony so established or intended to be established.

Limit as to value.

2. The annual value of the real estate held by or in trust for the Corporation in any province of Canada shall not exceed fifty thousand dollars, except in the province of Ontario, where it shall not exceed one hundred and fifty thousand dollars.

Investment in and disposal of real property.

9. The Corporation may also 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 mentioned in the next preceding section 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.

Disposal of real property acquired by way of security.

10. The Corporation may hold such real estate as is *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided that 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 twelve years after the acquisition thereof, but shall, at or before the expiration of such period, be absolutely sold and disposed of, so that the Corporation shall no longer retain any interest therein, except by way of security.

Limit as to time.

Forfeiture to Crown.

2. Any such parcel of land, or any interest therein, not within the exceptions hereinbefore mentioned, which has been held by the Corporation for a longer period than twelve years without being disposed of, shall be forfeited to His Majesty for the use of Canada: Provided that no such forfeiture shall take effect or 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.

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. Statement.

11. 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.

12. 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 to be held in such trust, if any. Authority for transfer of property held in trust.

13. 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.

14. If authorized thereto by by-law passed by unanimous vote of the Corporation at a meeting duly called for the purpose of considering the by-law, 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*) limit or increase the amount to be borrowed;

(*c*) 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 Corporation and countersigned by the proper officer of the Corporation, shall be binding upon the Corporation, 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 Corporation affixed to any such note or bill; Negotiable instruments.

(*d*) issue bonds, debentures or other securities of the Corporation for sums not less than twenty-five dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient; Bonds, etc.

(*e*) mortgage, hypothecate or pledge the real or personal property of the Corporation or both to secure any such bonds, debentures or other securities and any money borrowed for the purposes of the Corporation.

2. No officer of the company so authorized as aforesaid, shall be individually responsible for any such promissory note or bill Personal responsibility of officers.

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.

Powers for investment of funds.

15. The Corporation may invest its funds, or any portion thereof, either directly in the name of the Corporation or indirectly in the name of trustees, in the purchase of:—

(*a*) the debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal or public school corporation in Canada; or,

(*b*) the stock of any chartered bank in Canada, or the debentures, bonds, stocks or other securities of any building society, loan or investment company, trust company, water-works company, water-power company, gas company, navigation company, street railway company (by whatever power the railway is operated), electric light or power company, heat and light company, rolling stock company, bridge construction company, harbour-trust company or commission, telegraph, cable or telephone company, dock company, fire insurance company, or the debentures or bonds of any steam railway company, which has earned and paid regular dividends upon its ordinary preferred or guaranteed stocks for the two years next preceding the purchase of such bonds or debentures, if such society, commission or company is incorporated in Canada; or,

(*c*) the public consols, stocks, bonds, debentures, or other securities of the United Kingdom, or of any colony or dependency thereof, or of the United States or any state thereof; or,

(*d*) ground rents and mortgages on real estate in any province of Canada.

Powers to lend.

2. The Corporation may lend its funds, or any portion thereof, on the security of,—

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

(*b*) real estate or leaseholds for a term or terms of years, or other estate or interest in real property in any province of Canada.

Collateral securities.

3. The Corporation may take any additional securities of any nature to secure further the repayment of any liability thereto, or to secure further the sufficiency of any of the securities in or upon which the Corporation is by this Act authorized to invest or lend any of its funds.

Terms, etc., of loans.

4. 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 Corporation from time to time determines.

SCHEDULE.

PUBLIC RECORD OFFICE COPY.

(Pursuant to Statute 1 & 2 Vict., c. 94.)

CLOSE ROLL (CHANCERY).
1878. Part 72. m. 28.

Booth a Deed Poll

To all to whom these Presents shall come I William Booth of 3 Gore Road Victoria Park Road Hackney in the county of Middlesex Minister of the Gospel the Founder and General Superintendent for the time being of The Christian Mission, Send Greeting

Whereas in the year 1865 the said William Booth commenced preaching the Gospel in a Tent erected in the Friends Burial Ground Thomas Street in the parish of Whitechapel in the county of Middlesex and in other places in the same neighbourhood.

And whereas a number of People were formed into a Community or Society by the said William Booth for the purpose of enjoying Religious fellowship and in order to continue and multiply such efforts as had been made in the Tent to bring under the Gospel those who were not in the habit of attending any place of worship by Preaching in the open air in Tents Theatres Music Halls and other places and by holding other Religious Services or Meetings.

And whereas at the first the said Society was known by the name of the East London Revival Society and afterwards as the East London Christian Mission.

And whereas other Societies were afterwards added in different parts of London and a Society was also formed at Croydon.

And whereas the names of these united Societies was then altered to that of "The Christian Mission."

And whereas divers halls or meeting houses schoolrooms vestries lands buildings and appurts situate lying and being in various parts of Her Majesty's Dominions and elsewhere have been or are intended to be and hereafter may be given and conveyed to certain persons in such Gifts and Conveyances named and to be named upon trusts for the purposes therein and herein mentioned or any of them and generally for promoting the objects of the said Christian Mission under the direction of the General Superintendent.

And whereas in order to render valid and effectual such trusts to remove doubts and prevent Litigation in the interpretation thereof or as to the terms used therein to ascertain what is the name or title and what are and shall be for ever the doctrines of the said Christian Mission and also in order to preserve the system of the said Christian Mission generally by means of a General Superintendent it has been deemed expedient to make and execute these presents.

Now these presents witness that for the purposes aforesaid I the said William Booth do hereby declare

Firstly—That the name style and title by which the said Religious Community or Mission hereinbefore described hath

during the last nine years been called known and recognised is "The Christian Mission."

Secondly—That the Religious doctrines professed believed and taught by the Members of the said Christian Mission are and shall for ever be as follows.

1. We believe that the Scriptures of the Old and New Testaments were given by inspiration of God and that they only constitute the Divine rule of Christian faith and practice.
2. We believe there is only one God who is infinitely perfect the Creator Preserver and Governor of all things and who is the only proper object of Religious Worship.
3. We believe that there are three persons in the Godhead the Father the Son and the Holy Ghost undivided in essence and co-equal in power and glory.
4. We believe that in the person of Jesus Christ the Divine and human natures are united, so that he is truly and properly God and truly and properly man.
5. We believe that our first Parents were created in a state of innocency but by their disobedience they lost their purity and happiness and that in consequence of their fall all men have become sinners totally depraved and as such are justly exposed to the wrath of God.
6. We believe that the Lord Jesus Christ has by his suffering and death made an atonement for the whole world so that whosoever will may be saved.
7. We believe that repentance towards God faith in our Lord Jesus Christ and regeneration by the Holy Spirit are necessary to Salvation.
8. We believe that we are justified by grace through faith in our Lord Jesus Christ and that he that believeth hath the witness in himself.
9. We believe that continuance in a state of Salvation depends upon continued obedient faith in Christ.
10. We believe that it is the privilege of all believers to be "wholly sanctified" and that "their whole spirit and soul and body" may "be preserved blameless unto the coming of our Lord Jesus Christ" (1 Thess: v 23).
11. We believe in the immortality of the soul in the Resurrection of the body in the general judgment at the end of the World in the eternal happiness of the Righteous and in the endless punishment of the wicked.

Thirdly—That the said Christian Mission is and shall be always hereafter under the oversight direction and control of some one person who shall be the General Superintendent thereof whose duty it shall be to determine and enforce the discipline and laws and superintend the operations of the said Christian Mission and to conserve the same to and for the objects and purposes for which it was first originated.

The General Superintendent shall have power to expend on behalf of the Christian Mission all moneys contributed for the general purposes of the said Christian Mission or for any of the special objects or operations thereof but he shall annually publish a Balance Sheet (duly audited) of all such receipts and expenditure.

The General Superintendent shall have power to acquire by Gift purchase or otherwise any hall or meeting house school room vestry land building and appurts and any seats fittings furniture or other property whatsoever which may in his judgment be required for the purposes of the said Christian Mission and to build upon such land or alter or pull down any such buildings and to hire on lease or otherwise any land or buildings and to lend give away let sell or otherwise dispose of any such Property land or buildings as he may deem necessary in the interests of the said Christian Mission wherein all trustees shall render him every assistance and he may in all such cases as he shall deem it expedient so to do nominate and appoint trustees or a trustee of any part or parts respectively of such property and direct the Conveyance or Transfer thereof to such trustees or trustee with power for the General Superintendent to declare the trusts thereof and from time to time if it shall seem expedient to him so to do to revoke any such trusts or the appointment of such trustees or trustee and upon such revocation the same property shall be conveyed or transferred to such persons or person and upon such trusts as he may direct but only for the benefit of the said Christian Mission.

Fourthly—That the said William Booth shall continue to be for the term of his natural life the General Superintendent of the Christian Mission unless he shall resign such Office.

Fifthly—That the said William Booth and every General Superintendent who shall succeed him shall have power to appoint his successor to the Office of General Superintendent and all the rights powers and authorities of the Office shall vest in the person so appointed upon the decease of the said William Booth or other General Superintendent appointing him or at such other period as may be named in the Document appointing him.

Sixthly—That it shall be the duty of every General Superintendent to make in writing as soon as conveniently may be after his appointment a Statement as to his successor or as to the means which are to be taken for the appointment of a successor at the decease of the General Superintendent or upon his ceasing to perform the duties of the Office such Statement to be signed by the General Superintendent and delivered in a Sealed envelope to the Solicitor for the time being of the Christian Mission but such statement may be altered at will by the General Superintendent at any time during his continuance in Office upon a new Statement being signed by him and delivered as before mentioned to such Solicitor as aforesaid.

In witness whereof I the said William Booth have hereunto subscribed my name and affixed my seal this seventh day of August in the year of Redemption one thousand eight hundred and seventy eight.

WILLIAM BOOTH (Ls).

Signed sealed and delivered by the said William Booth in the presence of

Thos. Whittington 3 Bishopsgate St. Without Solr.

J. E. BILLOPS.

This Deed was duly presented to and approved by the persons assembled at a General Meeting of the Christian Mission held at No. 272 Whitechapel Road in the county of Middlesex And we the undersigned William Booth and George Scott Railton do hereby in the name of the Christian Mission set our hands hereto in ratification of and for perpetuating testimony of this Deed.

Dated this same seventh day of August 1878.

General Superintendent

WILLIAM BOOTH
G. S. RAILTON,
Secretary of the Christian Mission.

Witnesses to both Signatures

THOS. WHITTINGTON.
J. E. BILLOPS

Enrolled the thirteenth day of August in the year of our Lord one thousand eight hundred and seventy eight (being first duly stamped) according to the tenor of the Statutes made for that purpose.

I certify that the foregoing is a true and authentic copy.

G. F. HANDCOCK
Assist-Keeper of the Public Records.

27th January 1909.

Booth
Christian Mission
to be known as The
Salvation Army
(See Deed enrolled
13th Aug. 1878
Part 72
522

Be it remembered and entered as of Record That Whereas the Society called and known previously to the end of the year One thousand eight hundred and seventy eight as "The Christian Mission" was on or about the first day of January One thousand eight hundred and seventy nine with a view to the more beneficially extending of its operations renamed and has been since that time and is now usually known as "The Salvation Army" Now I William Booth the General of the Salvation Army (and also the General Superintendent of The Christian Mission) as hereby by virtue of all and every powers and authority in me vested declare that the said Society formerly known and in the within written Deed described as The Christian Mission is now and is intended to be hereafter called and known or described for all public purposes of its operations as "The Salvation Army" and that the expression "The Christian Mission" in the within Deed contained shall be taken to mean "The Salvation Army" and that everything in the within Deed contained relating or referring to The Christian Mission shall be taken as relating or referring to The Salvation Army.

In witness whereof I have hereto set my hand this twenty fourth day of June One thousand eight hundred and eighty.

WILLIAM BOOTH.

Witness
THOS. WHITTINGTON.

Enrolled the twentieth day of April in the year of our Lord One thousand nine hundred and six.

SUPREME COURT OF
GENERAL OFFICE
ENROLMENT
DEPART t
JUDICATURE
} *Stamped.*

Office Copy.

Booth
a
Deed Poll
Salvation Army
107.
1103

To all to whom these presents shall come William Booth of 101 Queen Victoria Street in the City of London General of the Salvation Army sends Greeting

Whereas by a Deed Poll (hereinafter called "the Deed of Constitution") dated the 7th day of August 1878 and under the hand and seal of the said William Booth (the Founder and General Superintendent of a Religious Society or Organization known as "The Christian Mission", and afterwards enrolled in the Chancery Division of the High Court of Justice on the 13th day of August 1878 the origin name and doctrines of the said Christian Mission were recited and stated and it was by the said Deed Poll amongst other things provided (Clause 3) that the said Christian Mission was and should always be thereafter under the oversight direction and control of some one person who should be the General Superintendent thereof whose duty it should be to determine and enforce the discipline and laws and superintend the Operations of the said Christian Mission and to conserve the same to and for the objects and purposes for which it was first originated and that the said General Superintendent should have the powers therein mentioned (Clause 4) that the said William Booth should continue to be for the term of his natural life the General Superintendent of the Christian Mission unless he should resign such Office (Clause 5) that the said William Booth and every General Superintendent who should succeed him should have power to appoint his successor to the Office of General Superintendent and all the rights powers and authorities of the Office should vest in the person so appointed upon the decease of the said William Booth or other General Superintendent appointing him or at such other period as might be named in the document appointing him and (Clause 6) that it should be the duty of every General Superintendent to make in writing as soon as conveniently might be after his appointment a Statement as to his successor or as to the means which were to be

taken for the appointment of a successor at the decease of the General Superintendent or upon his ceasing to perform the duties of the Office such Statement to be signed by the General Superintendent and delivered in a sealed Envelope to the Solicitor for the time being of the Christian Mission but such Statement might be altered at will by the General Superintendent at any time during his continuance in Office upon a new Statement being signed by him and delivered as before mentioned to such Solicitor as aforesaid And whereas on or about the 1st day of January 1879 the name of the said Religious Society or Congregation was changed from "the Christian Mission" to "The Salvation Army" as appears by a Memorandum under the hand of the said William Booth dated the 24th day of June 1880 and endorsed on the said recited Deed Poll and the said Society or Organization has since been and is now known as "The Salvation Army" and the Title of The General Superintendent thereof has been altered and shortened into that of General and the said William Booth is now known and designated and it is expected that every Successor of his will hereafter be known and designated as the "General" of the Salvation Army And whereas in Order to minimise the possibility of doubt dispute or litigation it is considered desirable to provide more fully and specifically than is done by the Deed of Constitution for the events in which the General for the time being shall cease to perform the duties of his Office and also for the nomination and appointment of a successor to the General for the time being on his dying or ceasing to perform the duties of the Office and the said William Booth has accordingly determined to execute these presents Now these presents witness that the said William Booth doth hereby declare as follows that is to say.

1. The Statement provided for by Clause 6 of the Deed of Constitution shall be signed and delivered to the Solicitor of the Salvation Army by every General of the Salvation Army as soon as possible after his appointment and if containing merely the nomination of an individual as successor or being otherwise liable to fail by reason of the death incapacity refusal or unwillingness to act of an individual shall be accompanied or succeeded as soon as possible by one or more alternative statement or statements numbered in the intended Order of priority and intended to operate in the event only of the appointment under the prior Statement or under all prior Statements as the case may be failing to take effect by reason of the death incapacity refusal or unwillingness to act of the person or persons ascertained under the prior Statement or Statements and every Statement or alternative statement shall have endorsed or placed on the envelope or cover containing the same a note of the date of the signing thereof to the intent that such note may be relied on for the purpose of destroying the said Statement unopened should it be proper to do so having regard to any of the provisions in the Deed of Constitution or these presents contained. Provided always that any such alternative Statement or Statements as aforesaid may be revoked or altered at will by the General at any time during his continuance in Office whether with or without the substitution of any fresh alternative statement or statements

but nevertheless it shall be a continuing as well as an original Obligation on the General for the time being to have for the time being in force and capable of operation a Statement or Statements not liable to fail by reason of the death incapacity refusal or unwillingness to act of a single nominee Provided also that except so far as may otherwise be expressly directed by any General any alternative statement or statements shall be opened only in the event of the prior statement or all prior statements as the case may be failing to result in the appointment of a successor and otherwise shall be destroyed unopened

2. Every General for the time being of the Salvation Army shall be deemed to cease to perform the duties of the Office within Clause 6 of the Deed of Constitution and to vacate such Office upon the happening of any of the following events that is to say.
    1. If he shall be found lunatic by inquisition or if all the Commissioners of the Salvation Army (which expression as and when used in these presents and in the Schedule hereto shall except where and so far as the context shall otherwise require be deemed to include the Chief of Staff and the Secretary for Foreign Affairs for the time being but not to include any retired Commissioners or Commissioner) or a majority of such Commissioners amounting to at least four in five declare by writing under their hands that they are satisfied that the General is of unsound mind or permanently incapacitated by mental or physical infirmity from the adequte performance of the duties of his Office
    2. If all the Commissioners of the Salvation Army or a majority of such Commissioners amounting to at least nine in ten declare by writing under their hands that they are satisfied that the General is in consequence of Bankruptcy or insolvency dereliction of duty notorious misconduct or other circumstances unfit to continue to perform the duties of his office
    3. If a Resolution adjudicating the General unfit for Office and removing him therefrom shall be passed by a majority of not less than three fourths of the members present and voting of the High Council of the Salvation Army hereinafter referred to

    The following provisions shall take effect with regard to any declaration under either of the first two subclauses of this present clause that is to say: First Any such Declaration shall show on its face whether it is made under the first subclause or under the second Sub Clause but subject to this need not state the incapacity or unfitness otherwise than in general terms or the nature of the evidence (if any) on which the Declarants or any of them may have acted and it shall not be necessary to have given the General in question Notice of the intention to make such declaration Secondly Any such Declaration may be by one or several documents and need not be signed simultaneously so long as there shall not be an interval of more than three calendar months between the first signature and the last Thirdly

The date at which the Commissioners of the Salvation Army are to be ascertained for the purposes of this Clause shall be at the date when the declaration in question shall have been signed by the Commissioner who shall first sign the same to the intent that no dismissal of any Commissioner or other alteration in the Commissioners (whether by termination of Office by time or otherwise) between the date of such first signing and the date of the formal handing of the declaration as hereinafter mentioned shall in any way prejudice or affect the possibility of obtaining the declaration or the validity or operation thereof when obtained Provided lastly that any such declaration shall be operative and the vacation of Office shall take place upon such declaration being formally handed to the Chief of the Staff or in his absence to the next highest Officer for the time being at Headquarters whose duty it shall be to receive such declaration and to publish the same with the date of its receipt within twenty four hours of receipt or as soon as possible thereafter. Vacation of Office under the first subclause of this Clause is hereinafter referred to as vacation of Office through mental incapacity and vacation of Office under the second subclause of this Clause is hereinafter referred to as vacation of Office through declared unfitness and vacation of Office under the third subclause of this Clause is hereinafter referred to as vacation of Office through adjudicated unfitness.

3. If the vacation of the Office of General shall take place through declared unfitness or through adjudicated unfitness any and every statement made by the vacating General as to his successor or the means to be adopted for appointing his successor shall be void and be disregarded and shall be destroyed without being opened And if the vacation of the Office of General shall take place through mental incapacity any and every such Statement which shall have been made by the vacating General later than one calendar month prior either to the date of the Commencement of the proceedings under which he shall have been found lunatic by inquisition or to the date of the signature by the Commissioner who shall first sign the same of the declaration declaring his mental incapacity as the case may be shall be void and be disregarded and shall be destroyed But if the vacation of Office of General shall take place through death or resignation and also if such vacation having taken place through mental incapacity there shall be in existence a Statement or statements made by the General more than one calendar month prior to the alternative date lastly hereinafter mentioned then and in any of the said cases his successor shall be appointed in accordance with the Statement made by the vacating General as in the Deed of Constitution and hereinbefore provided but so nevertheless as not hereby to validate any statement made by a vacating General which though actually made one calendar month or upwards prior to the said alternative date may nevertheless be proved to have been

made when the vacating General was in fact *non compos mentis*

4. If in any of the cases mentioned in the last preceding Clause in which a Statement by the vacating General would be *prima facie* effective it shall happen either that there is no such Statement as therein mentioned (which fact shall be sufficiently proved by a Joint Declaration in writing under the hand of the Chief of the Staff for the time being and the Solicitor of the Army for the time being that to the best of their knowledge information and belief there is no such Statement or that no such Statement is found within a fortnight after the vacation of Office or that any such Statement is invalid by reason of the vacating General having been *non compos mentis* at the date of making the same or otherwise or that whether by death refusal or otherwise no successor can be appointed in pursuance any such Statement or is so appointed within one calendar month of the vacation of Office then and in any of the said events and also in the event of vacation of Office under circumstances in which any statement by the Vacating General is to be disregarded the appointment of the successor shall be determined by the High Council of the Salvation Army hereinafter referred to.
5. In the case also of vacation of Office through adjudicated unfitness the appointment of the successor to the Vacating General shall be determined by the High Council of the Salvation Army hereinafter referred to.
6. During any interval that shall elapse between the Vacation of Office by any General of the Salvation Army and the appointment of his Successor the person who is at the date of vacation of Office the Chief of the Staff of the Salvation Army or (him failing) the next higher Officer for the time being except as provided in the First proviso hereto exercise all and every the powers and discretions which are under the Deed of Constitution or these presents vested in the General for the time being Provided always that the Chief of the Staff or other highest Officer as aforesaid shall not do any one or more of the following things that is to say (*a*) Retire or reduce any Commissioner for the time being from that rank otherwise than with the consent in writing of at least three in four of the other Commissioners of the Salvation Army for the time being except upon a finding of misconduct by a Court Martial constituted under the Rules and Regulations for the time being (*b*) Make any change in the Orders and Regulations for the time being of the Salvation Army as printed and published (*c*) Enter upon or engage in otherwise than with the consent in writing of at least three in four of the Commissioners for the time being any new transaction or Obligation involving an expenditure or liability or both to a greater extent in the whole than £10,000 Provided also that the Chief of the Staff or other highest Officer as aforesaid shall throughout the interval during which he shall perform the duties of the General keep a continuous and exact record in writing of all transactions and decisions done and given by him in that capacity such record to be

submitted to the next succeeding General forthwith upon his appointment and to be thereafter retained by him

7. Any General for the time being of the Salvation Army whether appointed under the Deed of Constitution or under these presents whether varied or not or under the conjoint operations of both Deeds shall have full and unrestricted power to purchase hire or otherwise acquire and to sell mortgage let or otherwise dispose of and deal with any Real and personal property in any part of the world and all other the powers and discretions given by the Deed of Constitution
8. Every General of the Salvation Army shall forthwith upon communication to him of his appointment execute a deed accepting Office upon and subject to the terms not only of the Deed of Constitution but also of these presents either as originally fixed or as varied as hereinafter mentioned as the case may be If any General does not execute such a Deed within 48 hours after being required in writing so to do by any three commissioners or if no such Request shall be made within one calendar month at least after communication to him of his appointment then and in such case and immediately upon the expiration of the alternative period in question such General shall be deemed to cease to perform his duties and to vacate Office and the like consequences shall ensue as on a vacation of Office through declared unfitness Provided always that if the execution of a Deed Poll under the provisions of this Clause shall be delayed by illness or other inevitable occasion then and in such case the aforesaid alternative periods of 48 hours and one calendar month shall run only as from the ceasing of the cause of delay
9. The provisions of these presents including the provisions of the Schedule hereto, may at any time or from time to time hereafter be added to revoked altered or otherwise varied by any General for the time being of the Salvation Army by deed executed with the consent in writing of a majority in number of the Commissioners of the said Army amounting to at least two thirds of the whole number thereof And any Statement in such deed of the number of the Commissioners of the said Army and of the fact that any named persons are some of such Commissioners shall be sufficient for the purposes of effectuating any such deed without any further proof of such total number or of the fact that all or any of such named persons are in fact such Commissioners
10. For the purpose of adjudicating on the question whether any General is unfit for Office and should be removed therefrom under Clause 2 Sub clause (3) of these presents and also for the purpose of electing a successor to the Office of General under Clause 4 of these Presents there shall henceforth be established and shall from time to time and at all times when necessary be convened a Council of the Salvation Army to be known as the High Council of the Salvation Army Such Council shall be constituted convened and regulated in accordance with the provisions contained in

the Schedule hereto which shall be as valid and operative as if set out in the body of these presents.

In witness whereof the said William Booth hath hereunto set his hand and seal this twenty sixth day of July One thousand nine hundred and four

THE SCHEDULE ABOVE REFERRED TO.

The High Council of the Salvation Army.

1. The High Council of the Salvation Army (hereinafter referred to as "the High Council", may be convened for the purpose of adjudicating on the question whether the General for the time being of the Salvation Army is unfit for Office and should be removed therefrom under Clause 2 Sub clause 3 of the foregoing Deed Poll and shall be convened in any of the events mentioned in Clause 4 of such Deed Poll for the purpose of appointing a successor to the Office of General of the Salvation Army.
2. For the purpose of adjudicating as aforesaid the High Council may be convened at any time as follows and not otherwise that is to say either on the joint Requisition of the Chief of the Staff for the time being and of not less than four other Commissioners of the Salvation Army for the time being or on the joint Requisition of not less than seven Commissioners for the time being. In the event of the High Council being convened under this Clause the date of the despatch of the summonses convening the same or of the earliest of such summonses if the same are not all sent out on one day is hereinafter referred to as and shall be for the purposes of the provisions hereinafter contained be deemed to be "the qualifying date" hereinafter referred to.
3. For the purpose of appointing a successor to the Office of General of the Salvation Army the High Council shall be convened by Summonses despatched upon the date of occurrence of any event or of the last of any series of events upon which the appointment of a successor has under Clause 4 of the foregoing Deed Poll to be determined by the High Council or as soon after such date as possible In the Cases provided for by this Clause the date which is hereinafter referred to as and shall for the purposes of the provisions hereinafter contained be deemed to be "the qualifying date" shall be the date of the vacation of Office by the General who has just vacated the same except in the case of vacation either through declared unfitness or through a declaration of mental incapacity in either of which cases the date shall be the date when the declaration shall have been signed by the Commissioner who shall first sign the same.
4. The duty of despatching the summonses for and convening the High Council under the last preceding clause shall in the first place rest with and be performed by the Chief of the Staff at the qualifying date but if there shall be no Chief of the Staff at the date when the duty in question has first to be performed or he shall be unable or unwilling to act or shall not act within fourteen days then and in any

of the said cases the said duty shall rest with and be performed by the Secretary for Foreign Affairs and if summonses have not been despatched for convening the High Council by either of the above persons within twenty one days after the date when the occasion for despatching them first arose then and in such case the summonses may be despatched and the High Council convened by any three Commissioners of the Army.

5. The High Council shall consist of and Summonses shall accordingly be despatched to the persons holding at the qualifying date the following Offices that is to say:
   The Chief of the Staff
   The Secretary for Foreign Affairs
   All the Commissioners of the Army not being Commissioners on the Retired List.
   All the Officers holding territorial Commands in the Army in any part of the World whatever their rank in the Army.
   Provided always that in case under the foregoing qualifications of Commissioners and Territorial Commanders two persons being Husband and Wife and holding Commissions or commands in respect of the same Country or district are entitled to be members of the High Council they shall only have one vote which shall be given by the husband as he may think fit if he alone is present or both are present and shall be given by the wife as she may think fit only if she alone is present.
6. Summonses to Members of the High Council at places which are within ten days ordinary post of Headquarters may be sent either by post or by Telegram Summonses to Members of the High Council at places which are not within ten days ordinary post of Head quarters should be sent so far as practicable by telegram.
7. The High Council shall be summoned to meet on the earliest date at which the person sending out the Summonses shall *bona fide* consider that it will be reasonably possible for all the Members or for the great majority of them to assemble by travelling express Provided always that the date of meeting shall in no case be more than sixty days from the date of the despatch of the summons thereto which is first despatched The place of meeting of the High Council shall be in or near to London or other the place where Headquarters shall be established at the qualifying date and such place and the date of meeting shall be named in the Summonses It shall be the duty of all persons summoned to the High Council to forthwith obey such Summons and in case any person or persons actually summoned shall not attend the other persons attending shall receive evidence of such person or persons having been Summoned and shall record such evidence and the fact of non attendance in a suitable form
8. The persons actually Summoned and meeting at the High Council may proceed and act notwithstanding that any person or persons who should have been summoned may not have been summoned or that any person or persons summoned may have refused or neglected to obey such

summons as may not in fact have arrived or may from time to time neglect or fail to attend the meetings whether from illness death or any other cause whatever and the persons actually summoned and meeting as the High Council shall, in addition and without prejudice to any other powers, have the following powers that is to say:

(A) Power to elect a President and Vice President of the High Council and to give the President and Vice President such powers when presiding including the giving of a second or casting vote as may be thought fit

(B) Power to determine absolutely in case of any doubt whether there has or has not been a vacation of Office by the General of the Salvation Army and whether an event has or has not arisen for the convening and constitution of the High Council and whether the High Council has or has not been properly summoned.

(C) Power to determine whether the persons summoned to the High Council or any of them ought to have been so summoned and whether any such persons are or are not properly qualified to act as Members of the High Council and to exclude any persons who ought not to have been summoned or who are not qualified to act.

(D) Power to summon to the High Council any person who in their opinion should have been summoned thereto and should be Members thereof but so that it shall not be obligatory to exercise this power by summoning all or any of such persons and that it shall not be exercised if the exercise of it would or might cause any considerable delay.

(E) Power to determine what if any report of the proceedings of the High Council shall be published.

(F) Power to adjourn at any time or from time to time and generally to determine and regulate their own procedure subject always to any express directions herein contained and also to appoint Committees for such purposes as the High Council shall think fit to delegate or entrust to them and so that such Committees shall (subject to any directions of the High Council) have power to appoint sub-Committees and generally to determine their own procedure.

(G) Power to determine how the costs and expenses of the summoning and attendance of the members of the High Council and of all proceedings in connection therewith ought to be borne and defrayed and in particular to what extent such costs and expenses should be borne and defrayed out of the funds of the Salvation Army Provided always that primarily and without prejudice to any question of ultimate Recoupment the Reasonable travelling and other expences that eyerv person summoned as a Member of the High Council shall incur by virtue of that summons and in connection

with his duties as a Member of the High Council shall except in any case of neglect or misconduct be defrayed out of the funds of the Salvation Army

(H) Power to do all things necessary for the purpose of settling finally and conclusively the question for the determination of which the High Council shall have been convened.

And also in the case of a High Council convened for the purpose of adjudicating on the question whether the General for the time being of the Salvation Army is unfit for Office and should be removed from Office the following further and additional powers that is to say:

(I) Power to summon the General or any other Officer of the Salvation Army or other person in such manner as shall be thought fit to attend before the High Council at any time or from time to time as the High Council shall think fit.

(J) Power to give such directions if any as the High Council (or any Committee or sub committee to whom the question may be referred) shall think fit as to the formulation of any charge against the General and as to the person or persons by whom the same should be formulated and supported and as to the formulation of the answer (if any) of the General thereto and as to whether the parties to the proceedings should be heard in person only or by Solicitors or Counsel

(K) Power to decide all questions of the admission and rejection of evidence whether in accordance with strict legal Rules or not

(L) Power to appoint any Committee not being less than thirteen in number for the purpose of investigating and reporting on all or any of the Charges that may be made against the General and to adopt the report of any such Committee and so that any such Committee shall in the course and for the purposes of such investigation and report have power to appoint a Chairman (if any appointed by the High Council) to determine their own procedure to direct and control the proceedings before them and generally all the like powers as those given to the High Council by sub clauses (F) (I) (J) and (K) hereinbefore contained

(M) Power generally to direct and control the proceedings before the High Council for the purposes of a fair and proper ultimate adjudication and to pronounce such adjudication accordingly.

9. The proceedings before a High Council summoned for purposes of adjudication shall be conducted as continuously and with as great despatch as is reasonably possible and immediately on the conclusion of such proceedings or after as short an adjournment as possible a vote of the Members of the High Council shall be taken in private in such manner as they think fit on the question whether the General is unfit for Office and should be removed therefrom If a Resolution in the affirmative shall be passed by a majority

of not less than three in four of the Members of the High Council present and voting then and in such case it shall be the duty of the actual President to forthwith make a public announcement to that effect and the General shall forthwith cease to be and vacate the office of General of the Salvation Army and the High Council shall proceed to the election of a Successor to such Office in like manner so far as may be as is hereinafter directed in the case of a High Council originally summoned for the purpose of appointing a successor But if a Resolution in the affirmative shall not be passed by the majority aforesaid then and in such case it shall be the duty of the actual President to forthwith make a public announcement that the General has not been declared unfit for office or removed and the proceedings of the High Council shall come to an end and their duties and powers shall cease and they shall stand *ipso facto* dissolved. In neither case shall the president make a public announcement of the names or numbers of the members voting for or against the Resolution unless the High Council shall resolve to that effect.

10. A Member of the High Council shall be competent to sit thereon and to take part in adjudication and to vote for or against the Resolution in the last preceding Clause mentioned although he may have been one of the persons originally convening the High Council or may make any statement or give any evidence against or for the General with Reference to the matters being adjudicated on or may otherwise have been concerned or occupied in the matters in question and also although he may not have been present throughout the whole of the proceedings

11. The Summoning of the High Council for purposes of adjudication and any proceedings before such High Council shall not in any way prejudice or affect the liability of the General to vacation of Office through declared unfitness under Clause 2 Subclause (2) of the foregoing Deed Poll And if after such summoning and before the High Council shall have passed or failed to pass as the case may be a Resolution removing the General from the Office the Office of General shall have been vacated through declared unfitness or the General shall have died or resigned or otherwise vacated Office then and in any of the said cases the High Council summoned as aforesaid shall be capable of proceeding and shall proceed to the election of a successor to such Office in like manner so far as may be as is hereafter directed in the case of a High Council originally Summoned for the purpose of appointing a successor and without any further or additional summons.

12. A High Council summoned for the purpose of appointing a successor to the Office of General of the Salvation Army shall immediately upon the constitution thereof and a High Council originally summoned for purposes of adjudication shall if and so soon as such High Council shall under the directions hereinbefore contained be competent in that behalf proceed to the election of a General of the Salvation Army in succession to the one who has vacated Office. The person so to be elected may be either one of the members

of the High Council or some other person The election shall be by ballot and shall require a two thirds majority of those voting and if at the first or any subsequent ballot no person shall obtain an absolute two thirds majority of the votes of the members voting a further ballot shall be taken until some person shall obtain such an absolute majority The person first obtaining such an absolute majority as aforesaid of the votes of the members voting shall be thereby elected the General of the Salvation Army

13. Immediately upon the election in manner aforesaid of a General of the Salvation Army the President of the Council shall forthwith publish the same (*a*) by notifying the same to the General so elected and (*b*) by giving notice thereof to the Solicitor for the time being of the Salvation Army And such further publication thereof shall be made by exhibiting a notice or notices in some conspicuous place or places at Headquarters and by advertisement in newspapers or otherwise as the said Solicitor shall in his discretion think fit but subject always to the direction and supervision of the elected General Provided always that the notification of election to the person elected and to the Solicitor aforesaid shall precede any other publication thereof and that if the person shall refuse or shall not accept the Office any further publication shall be foregone either permanently or until he shall accept the same.

14. Immediately upon the president of the High Council notifying to the General so elected as aforesaid the fact of his election and upon the General accepting Office all the duties and powers of the High Council shall cease and they shall stand *ipso facto* dissolved. But if the person so elected shall refuse or shall not accept the same within forty eight hours after election or within such further time (if any) as the High Council may determine then and in such case the High Council summoned as aforesaid shall proceed to the election of another person as General and so on *toties quoties* until some person has been elected General and has accepted Office whereupon all the duties and powers of the High Council shall cease and they shall stand *ipso facto* dissolved.

15. After any person has been elected General of the Salvation Army and has accepted Office his election shall not be invalidated by any flaw in the summoning constitution or proceedings of the High Council or by any other error in any matter or thing in anywise relating to such election or to any removal or other vacation of Office by any prior General who may purport to have been removed from or otherwise to have vacated Office or whose vacation of Office may in any other respect be a condition of the election of the person so elected as aforesaid

WILLIAM BOOTH Ls.

Signed Sealed and Delivered by the above named William Booth in the presence of

Wm. Frost, Sol. of Fenchurch Street E.C.
F de L Booth Tucker 120 West 14th St. New York Commander of the American Forces.
T Henry Howard 101 Queen Victoria St London E.C. Foreign Secretary Sal. Army
Et Cosandy 3 Rue Auber Paris Commissioner of the Forces in France Italy and Belgium
Adelaide Cox 259 Mare Street Hackney NE. Commissioner for Womens Social Work Gt Britain & Ireland.

Enrolled the twenty seventh day of July in the year of our Lord One thousand nine hundred and four.

SUPREME COURT OF
CENTRAL OFFICE
ENROLMENT
DEPART t
JUDICATURE
} *Stamped.*

Office Copy.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

F

An Act to incorporate The Governing Council of the Salvation Army in Canada.

Received and read a first time,

Wednesday, 3rd March, 1909.

Second reading,

Friday, 5th March, 1909.

Honourable Mr. Ross,
(Middlesex.)

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL G.

An Act to amend the law relating to Protest of Bills of Exchange, Cheques and Promissory Notes.

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

1. Section 109 of *The Bills of Exchange Act*, chapter 119 of *The Revised Statutes of Canada*, 1906, is hereby repealed and the following is substituted therefor:— R.S., c. 119, s. 109 amended.

"**109.** In order to render liable the acceptor, endorser or any party to a bill of exchange, cheque or promissory note, it is not necessary to protest the bill, cheque or note." Acceptor, endorser, &c., liable without protest.

2. Any law to the contrary, as respects bills of exchange, cheques or promissory notes, is hereby repealed. Repeal of inconsistent law.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

G

An Act to amend the law relating to Protest of Bills of Exchange, Cheques and Promissory Notes.

Received and read a first time,

Tuesday, 9th March, 1909.

Second reading,

Thursday, 11th March, 1909.

Honourable Mr. CHOQUETTE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL H.

An Act respecting the Anglo Canadian and Continental Bank.

WHEREAS the provisional directors of The Anglo-Canadian and Continental Bank have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:— Preamble. 1908, c. 81.

1. The name of The Anglo-Canadian and Continental Bank, hereinafter called "the Bank" is changed to "Anglo-Canadian Bank." Change of name.

2. Notwithstanding anything in *The Bank Act* or in chapter 81 of the statutes of 1908 incorporating the Bank, the Treasury Board may, within one year after the sixteenth day of June, 1909, give to the Bank the certificate required by section 14 of *The Bank Act*. Extension of time for commencig business. R.S., 1906, c. 29.

3. If the Bank does not obtain the said certificate within the time aforesaid, the rights, powers and privileges conferred on the Bank by its Act of incorporation and by this Act shall thereupon cease and determine, but otherwise shall remain in full force and effect notwithstanding section 16 of *The Bank Act*. Effect of certificate.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL.

H

An Act respecting The Anglo-Canadian and Continental Bank.

Received and read a first time,

Wednesday, 10th March, 1909.

Second reading,

Friday, 12th March, 1909.

Honourable Mr. CLORAN.

OTTAWA
Printed by C. H. PARMALEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL I.

An Act respecting the Quebec Oriental Railway Company.

WHEREAS The Quebec Oriental 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. Quebec, 1903, c. 82. Quebec, 1905, c. 53. Canada, 1907, c. 122.

1. Section 5 of the Act incorporating the Company, chapter 82 of the statutes of 1903 of the Province of Quebec, is hereby repealed, and the following is substituted therefor:— Quebec, 1903, c. 82, s. 5, amended.

"**5.** The annual meeting of the shareholders shall be held on the last Wednesday in October in each year." Annual meeting.

2. Section 6 of the said Act is hereby repealed, and the following is substituted therefor:— Quebec, 1903, c. 82, s. 6, amended.

"**6.** The number of directors shall be not less than three, nor more than seven, one or more of whom may be paid directors. Unless otherwise fixed by by-law, the number of directors shall be five." Directors.

3. Section 8 of the said Act is hereby repealed, and the following is substituted therefor:— Quebec, 1903, c. 82, s. 8, amended.

"**8.** The Company may issue bonds, debentures or other securities to the extent of forty-five thousand dollars per mile of the railways which the Company is authorized to construct or to acquire; but such bonds, debentures or other securities may be issued only in proportion to the length of the said railways constructed or under contract to be constructed, acquired or to be acquired." Issue of securities increased.

4. The following subsections are hereby added to section 3 of chapter 122 of the statutes of 1907:— Canada, 1907, c. 122, s. 3, amended.

"2. Subject to the provisions of section 80 of *The Railway Act* which may be applicable, the Company may, by by-law, from time to time, change the location of its head office to any place in Canada or in England. Head office.

"3. The Company may, in any case, have an office in London, England, where the meetings of its shareholders and of its directors may also be held." Office in England.

Extension of time for construction.

5. The Company may commence the construction of its railway, and expend fifteen per centum of the amount of its capital stock thereon within two years after 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 the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation, within the said periods respectively, 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.

Power to purchase certain railways.

R.S., c. 37, 1907, c. 122, ss. 6, 7.

6. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act* and of sections 6 and 7 of chapter 122 of the statutes of 1907, the Company may purchase from the Royal Trust Company or owner or owners for the time being, and the Royal Trust Company or owner or owners for the time being may sell to the Company, the railways from Matapedia to Caplin and from Caplin to Paspebiac, in the province of Quebec, heretofore known as the Baie des Chaleurs section of The Atlantic and Lake Superior Railway Company, upon such terms and conditions as may be agreed upon between the Company and the Royal Trust Company or the owner or owners for the time being.

Nature of purchase price.

2. The purchase price of the railways referred to in subsection 1 of this section, may be in cash, or in bonds or debentures or debenture stock or other securities, or in capital stock of the Company, or partly in each or any of them, as may be agreed upon between the parties.

Issue and ranking of securities issued for purchase price.

3. Any bonds or debentures or debenture stock or other securities issued in satisfaction or part satisfaction of the purchase price of the said railways, may be divided into two series, entitled respectively to a first and to a second mortgage and preferential charge upon the property, assets, rents and revenues of the Company; and any other bonds, debentures or debenture stock or other securities, which the Company may thereafter issue, shall rank only after and subject to the privileges conferred upon the bonds or debentures or debenture stock or other securities issued as consideration for the purchase of the said railways.

1st Session, 11th Parliament, 8-9 Edward VII

THE SENATE OF CANADA.

BILL

I

An Act respecting The Quebec Or
Railway Company.

Received and read a first time,

Thursday, 11th March, 1909.

Second reading,

Tuesday, 16th March, 1909.

Honourable Mr. Tessi

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL J.

An Act respecting The Windsor, Essex and Lake Shore Rapid Railway Company.

Preamble. Ont., 1901, c. 92; Ont., 1902, c. 97; Ont., 1904, c. 95; Ont., 1905, c. 110. Can., 1906, c. 184.

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

Time for construction extended. Ont., 1901, c. 92, s. 12; Ont., 1904, c. 95, s. 5; Ont., 1905, c. 110, s. 7; Can., 1903, c. 58, s. 117; Can., 1906, c. 184, s. 2; R.S.C., c. 37, s. 150.

1. Notwithstanding anything contained in *The Railway Act, 1903*, in *The Railway Act*, chapter 37 of The Revised Statutes of Canada, in section 2 of chapter 184 of the statutes of 1906, or in the statutes of Ontario relating to The Windsor, Essex and Lake Shore Rapid Railway Company, the construction of the said Company's lines of railway authorized by the said chapter 184 and the said statutes of Ontario may be commenced, and fifteen per cent of the amount of the capital stock expended thereon within two years after the passing of this Act, and the said lines of railway finished and put in operation within five years after the passing of this Act; and if the said lines of railway are not so commenced and such expenditure is not so made, or if the said lines of railway are not finished and put in operation within the said respective periods, the powers of construction granted to the said company by Parliament shall cease and be null and void as respects so much of the said lines of railway as then remains uncompleted.

Issue of securities increased. Ont., 1902, c. 97, s. 1; Can., 1906, c. 184, s. 2.

2. The limitation of the amount of securities which may be issued by the said company is hereby increased from twenty thousand dollars per mile to twenty-five thousand dollars per mile of the said lines of railway; but such securities may be issued only in proportion to the length of the said lines of railway constructed or under contract to be constructed.

2. Such securities and the coupons for interest thereon may be made payable in Canadian currency, or sterling, or such other currency as the directors may determine.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

J

An Act respecting The Windsor, Essex and Lake Shore Rapid Railway Company.

Received and read a first time,

Thursday, 11th March, 1909.

Second reading,

Tuesday, 16th March, 1909.

Honourable Mr. McMULLEN.

OTTAWA
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1909

1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL K.

An Act respecting a certain letter patent of the American Bar Lock Company.

Preamble.

WHEREAS the American Bar Lock Company, a corporation having its principal office in the city of Philadelphia, in the State of Pennsylvania, one of the United States of America, has by its petition represented that it is the owner of a letter patent for the Dominion of Canada issued under the seal of the Patent Office, being number 93,022, dated 9th May, 1905, for new and useful improvements in vault light construction; and whereas the said company by its said petition 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:—

Rights not forfeited by importation contrary to statute.

R.S., c. 69.

1. Notwithstanding anything in *The Patent Act*, or in the letter patent mentioned in the preamble, the importation of the invention patented under the said letter patent shall be deemed not to have affected the validity of the said letter patent, or to have caused forfeiture of any rights acquired thereunder.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL.

K

An Act respecting a certain letter patent of the American Bar Lock Company.

Received and read a first time,

Thursday, 11th March, 1909.

Second reading,

Tuesday, 16th March, 1909.

Honourable Mr. CAMPBELL.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL L.

An Act respecting certain letters patent of Franklin Montgomery Gray.

Preamble.

WHEREAS Franklin Montgomery Gray has by his petition represented that he is the holder of letters-patent under the seal of the Patent Office for the Dominion of Canada, issued and dated 28th October, 1902, and numbered 77,989, and re-issued and dated 2nd June, 1903, and numbered 81,207, for improvements in the process of converting wood and other cellulose material into dextrose sugar and alcohol; and whereas by the said petition he has prayed that it be enacted as hereinafter set out 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:—

Extension of time for payment of fees.

R.S., c. 69, s. 23.

Power for issue of extension of patent.

1. Notwithstanding anything in *The Patent Act* or in the letters-patent referred to in the preamble hereof, the Commissioner of Patents may receive from the said Franklin Montgomery Gray an application for a certificate of payment and the usual fees upon the said letters-patent for the remainder of the term of eighteen years from the date thereof; and may grant and issue to the said Franklin Montgomery Gray the certificate of payment of further fees as provided by *The Patent Act* and an extension of the period of duration of the said letters-patent to the full term of eighteen years, in as full and ample a manner as if the application therefor had been duly made within six years from the date of the issue of the said letters-patent.

Saving of rights acquired by manufacture, use and sale.

2. If any person has, in the period between 28th October, 1908, and the date of the passing of this Act, commenced to manufacture, use and sell, in Canada, any of the inventions covered by the said letters-patent or either of them, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed: Provided that this exception shall not extend to any person who, with or without the consent of the holder of the said letters-patent, has commenced the use, construction or manufacture of such invention before the expiry of the said letters-patent.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

L

An Act respecting certain letters-patent of Franklin Montgomery Gray.

Received and read a first time,

Thursday, 11th March, 1909.

Second reading,

Wednesday, 17th March, 1909.

Honourable Mr. TALBOT.

OTTAWA
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1909

1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL M.

An Act to amend The Conciliation and Labour Act.

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

1. Paragraph (*c*) of subsection 1 of section 6 of *The Conciliation and Labour Act*, chapter 96 of *The Revised Statutes*, is hereby amended by adding thereto, after the word "conciliator" in the fifth line thereof, the words "but no person who is not a citizen of Canada and a British subject shall be so appointed." R.S., c. 96, s. 6 amended. Appointment of conciliator.

2. The following section is hereby added to the said Act, immediately after setion 6, as section 6A thereof:— New section added.

"6A. Every one is guilty of an offence and liable, on summary conviction, to a fine not exceeding $100, who, not being a citizen of Canada and a British subject, in any way intervenes in a difference, whether existing or apprehended, between an employer or any class of employers and workmen, or between different classes of workmen." Penalty for alien intervening in strikes.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL.

M

An Act to amend The Conciliation and Labour Act.

Received and read a first time,

Thursday, 11th March, 1909.

Second reading,

Tuesday, 16th March, 1909.

Honourable Mr. McMULLEN.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL N.

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

WHEREAS The Ontario, Hudson's Bay and Western Railways Company has by its petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. Ont., 1890, c. 124. Ont., 1899, c. 101. Can., 1901, c. 78. Can., 1905, c. 138. Can., 1907, c. 114.

1. The construction of the railway of The Ontario, Hudson's Bay and Western Railways Company may be commenced, and fifteen per cent on the amount of its capital stock be expended thereon, within two years after the passing of this Act, and the railway may be completed and put in operation within five years after the passing of this Act; and if the railway is not so commenced and such expenditure is not made, or if the railway is not completed and put into operation, within the said respective periods, the powers for the construction thereof granted by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. Extension of time for construction.

2. Section 1 of chapter 114 of the statutes of 1907 is hereby repealed. Repeal of former time limit.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

N

An Act respecting The Ontario, Hudson's Bay and Western Railway Company.

Received and read a first time,

Thursday, 11th March, 1909.

Second reading,

Tuesday, 16th March, 1909.

Honourable Mr. Ross,
(Middlesex.)

OTTAWA
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Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL O.

An Act respecting The Algoma Central and Hudson Bay Railway Company.

Preamble.

1899, c. 50.
1900, c. 49.
1901, c. 46.
1902, c. 38.
1905, c. 53.
1906, c. 54.
1907, c. 57.

WHEREAS The Algoma Central and Hudson 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:—

Extension of time for construction of line to James Bay.

1901, c. 46, s. 3.
1905, c. 53, s. 2.
1907, c. 57, s. 1.

1. The Algoma Central and Hudson Bay Railway Company may commence within two years after the passing of this Act the construction of the railway authorized by section 3 of chapter 46 of the statutes of 1901, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced, or if the said railway is not completed and put in operation within the said periods respectively, 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.

Repeal of former limit of time.

2. Section 2 of chapter 53 of the statutes of 1905 and section 1 of chapter 57 of the statutes of 1907 are hereby repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

0

An Act respecting The Algoma Central and Hudson Bay Railway Company.

Received and read a first time,

Thursday, 11th March, 1909.

Second reading,

Tuesday, 16th March, 1909.

Honourable Mr. Ross,
(Middlesex.)

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL P.

An Act to incorporate The Kootenay and Alberta Railway Company.

Preamble.

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

Incorporation.

1. J. H. Senkler, barrister, John Bowerman Ferguson, mine operator, both of the city of Vancouver, in the province of British Columbia; John W. McConnell, financier, Hanbury A. Budden, barrister, and Sherley Ogilvy, manufacturer, all of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the Company, are incorporated under the name of "The Kootenay and Alberta Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock

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

Head office.

4. The head office of the Company shall be in the city of Montreal, in the province of Quebec.

Annual meeting.

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

Number of directors.

6. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Lines of railway.

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 Crow's Nest branch of the Canadian Pacific Railway between Cowley Station and Pincher Station, in the province of Alberta, thence in a southerly direction passing through Beaver Valley to the North Kootenay Pass, thence in a southerly direction down the valley of the Flathead River, in the province of British Columbia, to the International Boundary;

(*b*) from a point on the Crow's Nest branch of the Canadian Pacific Railway between Cowley Station and Pincher Station, thence through the town of Pincher Creek, the Fishbourn Settlement, the Blood Indian Reserve, to Mountainview and Cardston and down the Milk River Valley to the International Boundary at or near Coutts.

Consent of municipalities as to railway on highways.

8. The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Water power, compressed air and electricity.

9. The Company may, for the purpose of its undertaking,—

(*a*) acquire and utilize steam power and water power for the purpose of compressing air and generating electricity for lighting, heating or motor purposes, and may, subject to the approval of the Board of Railway Commissioners of Canada, and subject to section 247 of *The Railway Act*, supply, sell or otherwise dispose of surplus power generated by the Company's works and not required for the undertaking of the Company; and for the purposes of such acquisition, utilization and disposal, may construct, operate and maintain lines for the conveyance of light, heat, power and electricity;

Acquisition and distribution of power.

(*b*) acquire electric or other power or energy which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built; and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof.

Consent of municipalities as to construction and operation of telegraph, telephone and electric lines.

R.S., c. 37.

R.S., c. 126.

10. Nothing in this Act, or in *The Railway Act*, or in *The Telegraphs Act*, shall authorize the Company to construct or operate any telegraph or telephone 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 upon with such municipality.

Telegraph and telephone lines on railway.

R.S., c. 37.

Contracts with other companies.

11. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon and along its railway, 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 may lease its own lines to, any such companies.

Tolls or charges.

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.

3. Part II of *The Telegraphs Act* shall apply to the telegraphic business of the Company. R.S., c. 126.

Securities.

12. 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.

Agreements with other companies.

13. 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 Canadian Pacific Railway Company, the Calgary and Edmonton Railway Company, the Grand Trunk Pacific Railway Company, the Canadian Northern Railway Company, the Southern Central Pacific Railway Company and the Great Northern Railway Company.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

P

An Act to incorporate The Kootenay and Alberta Railway Company.

Received and read a first time,

Thursday, 11th March, 1909.

Second reading,

Tuesday, 16th March, 1909.

Honourable Mr. DeVeber.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL Q.

An Act respecting The Quinze and Blanche River Railway Company.

Preamble. 1907, c. 123.

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:—

Extension of time for completion of railway. R.S., c. 37, s. 150. 1907, c. 123, s. 8.

1. Notwithstanding anything in *The Railway Act*, The Quinze and Blanche River Railway Company may construct and complete at any time within five years from the passing of this Act the railway authorized by chapter 123 of the statutes of 1907; and if the said railway is not completed within the said period, the powers for constructing the same granted to the Company by the said Acts and this Act shall cease and be null and void with respect to so much of the said railway as then remains uncompleted.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

Q

An Act respecting The Quinze and Blanche River Railway Company.

Received and read a first time,

Thursday, 11th March, 1909.

Second reading,

Tuesday, 16th March, 1909.

Honourable Mr. BELCOURT.

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1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL R.

An Act respecting the Ottawa Fire Insurance Company and to change its name to Ottawa Assurance Company.

Preamble. 1904, c. 110.

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

Change of name.

1. The name of The Ottawa Fire Insurance Company, hereinafter called "the Company," is hereby changed to "Ottawa Assurance Company; but such change of name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing either by, or in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Savings of rights, &c.

1904, c. 110, s. 12 amended.

2. Section 12 of chapter 110 of the statutes of 1904 is hereby amended by adding to the first subsection thereof after the word "forms" the following words, namely:—"and may also carry on the following additional classes of insurance, namely, cyclone or tornado insurance, inland marine insurance and inland transportation insurance."

Authorization of additional classes of business.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA

BILL

R

An Act respecting The Ottawa Fire Insurance Company and to change its name to Ottawa Assurance Company.

Received and read a first time,

Thursday, 11th March, 1909.

Second reading,

Tuesday, 16th March, 1909.

Honourable Mr. BELCOURT.

OTTAWA
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1909

1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL S.

An Act respecting the Grand Trunk Pacific Branch Lines Company.

Preamble.

1906, c. 99: 1908, c. 115.

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:—

1906, c. 99, s. 11 amended.

Authority for additional railways.

1. Section 11 of chapter 99 of the statutes of 1906, incorporating The Grand Trunk Pacific Branch Lines Company, hereinafter called "the Company," is hereby amended by adding thereto the following paragraphs:—

"19. From a point on the main line of the Grand Trunk Pacific Railway west of Pembina Crossing, in the Province of Alberta, thence running southwesterly to a point at or near the Embarras River, and thence in a southerly direction towards the headwaters of the Little Pembina River, a distance of about one hundred miles.

"20. From a point on the main line of the Grand Trunk Pacific Railway, thence along the Embarras River running southwesterly towards the McLeod River, a distance of about twenty-five miles;

"21. From a point on the Company's authorized line between Calgary and Coutts and running southwesterly to McLeod, thence through or in the vicinity of Pincher Creek to the western boundary of the province of Alberta, a distance of about one hundred miles;

"22. From a point on the Company's authorized line at or near Regina, Province of Saskatchewan, thence westerly to Moosejaw, a distance of about forty-five miles."

S. 11 further amended.

Division of lines into sections.

2. Sub-paragraph (*c*) of paragraph 17 of the said section 11 is amended by striking out the words and figures "and 14 inclusive" in the second line thereof and substituting therefor the words and figures "14, 19, 20, 21 and 22."

S. 11 further amended.

Error in description corrected.

3. Paragraph 11 of the said section 11 is amended by striking out the figure "7" in the second line thereof and substituting "6" therefor.

Issue of securities.

4. The Company may issue bonds, debentures or other securities in respect of the said hereinbefore mentioned lines of

railway to the extent of thirty thousand dollars per mile ; and, except as herein otherwise provided, all the provisions of sections 12, 22 and 33 of the said Act shall apply to such bonds, debentures or other securities.

Time for construction.

5. Section 35 of the said Act is hereby repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL.

S

An Act respecting the Grand Trunk Pacific Branch Lines Company.

Received and read a first time,

Thursday, 11th March, 1909.

Second reading,

Tuesday, 16th March, 1909.

Honourable Mr. WASTON.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL T.

An Act to restrict the evils of Divorce.

Preamble.

WHEREAS it is in the interest of society that the evils of Divorce be restricted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Remarriage of guilty party invalid in Canada.

1. The offending and guilty party to a marriage contract shall have no right to remarry in the Dominion of Canada after the obtention of a Bill of Divorce through the Parliament of Canada, and if such party remarry he or she shall come under the provisions of *The Criminal Code* relating to bigamy; and further if such party remarry outside the jurisdiction of the Parliament of Canada, such remarriage shall be considered, for all purposes, invalid and illegal; and such party remarried shall be considered a bigamist within the territory of Canada.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

T

An Act to restrict the evils of Divorce.

Received and read a first time,

Friday, 12th March, 1909.

Second reading,

Wednesday, 24th March, 1909.

Honourable Mr. CLORAN.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL U.

An Act for the relief of Victor Eccles Blackhall.

Preamble.

WHEREAS Victor Eccles Blackhall, of the city of Toronto, in the province of Ontario, has by his petition alleged, in effect, that on the thirtieth day of June A.D. 1891, at the said city of Toronto, he was lawfully married to Blanche Mabel Jackson, then of the said city, a spinster; that his legal domicile was then and is now in Canada; that at the said city of Toronto, at divers times in the month of April, A.D. 1895, and at the city of Buffalo, in the state of New York, at divers times in the months of July and August, A.D. 1895, she committed adultery with divers persons; 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:—

Marriage dissolved.

1. The said marriage between Victor Eccles Blackhall and Blanche Mabel Jackson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Victor Eccles Blackhall may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Blanche Mabel Blackhall had not been solemnized.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

U

An Act for the relief of Victor Eccles Blackhall.

Received and read a first time,

Friday, 19th March, 1909.

Second reading,

Wednesday, 24th March, 1909.

Honourable Mr. CAMPBELL.

OTTAWA
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1909

1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL V.

An Act for the relief of Annie Louisa Coltman.

Preamble.

WHEREAS Annie Louise Coltman presently residing at the town of Buckingham, in the province of Quebec, wife of Milton Delose Coltman, of the city of Toronto, in the province of Ontario, broker, has by her petition alleged, in effect, that they were lawfully married on the tenth day of Februbary, A.D. 1903., at the said town of Buckingham, she then being Annie Louisa Warwick, spinster; that the legal domicile of the said Milton Delose Coltman was then and is now in Canada; that at the city of Toronto, in the province of Ontario, during the month of February or March, A.D. 1907, and at the city of London, in the said province, on or about the twenty-seventh and twenty-eighth days of April, A.D. 1907, he committed adultery; 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:—

Marriage dissolved.

2. The said marriage between Annie Louisa Warwick and Milton Delose Coltman, her husband, is hereby dissolved, and shall be henceforth null and voil to all intents and purposes whatsoever.

Right to marry again.

2. The said Annie Louisa Warwick, may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Milton Delose Coltman had not been solemnized.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

V

An Act for the relief of Annie Louisa Coltman.

Received and read a first time,

Friday, 19th March, 1909.

Second reading,

Wednesday, 24th March, 1909.

Honourable Mr. CAMPBELL.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL W.

An Act for the relief of John Grant Ridout.

Preamble.

WHEREAS John Grant Ridout, of the city of Toronto, in the province of Ontario, civil servant, has by his petition alleged, in effect, that on the fourth day of April, A.D. 1899, at the said city of Toronto, he was lawfully married to Alice Mabel Callighen; 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 they lived and cohabited until the twenty-sixth day of March, 1902; that in or about the year 1903 she went to the state of South Dakota, one of the United States of America, and there obtained, according to the law of that state, a decree of divorce from him; that, on the twenty-seventh day of June, A.D. 1908, at the city of New York, in the state of New York, one of the United States of America, she went through the form of marriage with one Lincoln A. Smith; that, at the town of Sioux Falls, in the said state of South Dakota, on the fifth day of July, A.D. 1908, she went through another form of marriage with the said Lincoln A. Smith; that she is now living with the said Lincoln A. Smith as the wife of the said Lincoln A. Smith at the town of Port Hope, in the province of Ontario; that he has not connived at nor condoned the said marriages; 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:—

Marriage dissolved.

1. The said marriage between John Grant Ridout and Alice Mabel Callighen his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Grant Ridout may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Alice Mabel Callighen had not been solemnized.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

W

An Act for the relief of John Grant Ridout.

Received and read a first time,

Friday, 19th March, 1909.

Second reading,

Wednesday, 24th March, 1909.

Honourable Mr. GIBSON.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL X.

An Act respecting The Joliette and Lake Manuan Colonization Railway Company.

Preamble.

1903, c. 135; 1905, c. 111.

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:—

Time for construction extended.

1. The construction of the railway of The Joliette and Lake Manuan Colonization Railway Company may be commenced, and fifteen per cent of the amount of the capital stock expended thereon, within two years after the passing of this Act, and the railway finished and put into operation within five years after the passing of this Act; and if the railway is not so commenced and such expenditure is not so made, or if the railway is not finished and put into operation within the said respective periods, the powers of construction granted to the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Repeal of former limit of time.

2. Chapter 111 of the statutes of 1905 is hereby repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

X

An Act respecting The Joliette and Lake Manuan Colonization Railway Company.

Received and read a first time,

Wednesday, 24th March, 1909.

Second reading,

Friday, 26th March, 1909.

Honourable Mr. TESSIER.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL Y.

An Act respecting The Central Railway of Canada.

Preamble.

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

1903, c. 172; 1904, c. 113; 1905, c. 79; 1906, c. 79.

Issue of securities for erection of works, &c., other than the railway.

1. The Company may for the purpose of raising capital necessary for the erection of works for providing light, heat and power for the Company's use, and for providing electric equipment for any portion of the Company's lines, stations, buildings and works, issue bonds upon such works and the said bonds shall be a first charge on the works and properties specified therein, provided that in no case shall the amount of bonds so issued exceed the value of the works and properties so charged.

Limitation of amount.

Issue of securities for double track.

2. The Company may for the purpose of double tracking any of its line issue bonds to the extent of fifteen thousand dollars per mile on each mile of second track, and the said bonds shall rank *pari passu* with the bonds issued or to be issued on the Company's main line of railway.

Terminals at Montreal.

3. The Company may, in providing terminal facilities at and near Montreal for its own traffic, also provide accommodation for the traffic of any other companies desiring such accommodation, and, for the purpose of giving access to these terminals to companies on the south side of the River St. Lawrence whose lines do not enter the City of Montreal, may build such branch lines and tunnel or tunnels under the River St. Lawrence as may be necessary.

Branch lines and tunnels.

Limitation of time for completion.

4. The railway and terminals shall be completed and be in operation within five years after the passing of this Act and if they are not so completed and put in operation within the said period the powers granted by Parliament shall cease and be null and void as respects so much of the railway and terminals as then remain uncompleted.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL.

Y

An Act respecting The Central Railway of Canada.

Received and read a first time,

Thursday, 25th March, 1909.

Second reading,

Tuesday, 30th March, 1909.

Honourable Mr. EDWARDS.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL Z.

An Act respecting The Bank of Winnipeg.

Preamble. 1908, c. 173.

WHEREAS the provisional directors of The Bank of Winnipeg 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:—

Extension of time for commencing business. R.S., 1906, c. 29.

1. Notwithstanding anything contained in *The Bank Act* or in chapter 173 of the Statutes of 1908 incorporating The Bank of Winnipeg, the Treasury Board may, within two years after the third day of April, 1908, give to the Bank the certificate required by section 14 of *The Bank Act*.

Effect of certificate.

2. If the Bank does not obtain the said certificate within the time aforesaid, the rights, powers and privileges conferred on the Bank by its Act of incorporation and by this Act shall thereupon cease and determine, but otherwise shall remain in full force and effect notwithstanding section 16 of *The Bank Act*.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

Z

An Act respecting The Bank of Winnipeg.

Received and read a first time,
Thursday, 25th March, 1909.
Second reading,
Tuesday, 30th March, 1909.

Honourable Mr. CHEVRIER.

OTTAWA
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1909

1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL AA.

An Act to incorporate The Prairie Provinces Trust Company.

Preamble.

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

Incorporation.

1. Major Duncan Stuart, lately of the city of Johannesburg, in the province of the Transvaal, O. W. Owens, of the city of London, England, John A. McDougall, Richard Secord and Robert Lee, all of the city of Edmonton, in the province of Alberta, and Alexander Stuart, of the city of London, Ontario, together with such other persons as become shareholders in the company hereby created are hereby constituted a body corporate under the name of "The Prairie Province Trust Company," hereinafter called "the Company."

Corporate name.

Directors.

Provisional directors.

2. The affairs of the Company shall be managed by a Board of not less than five nor more than fifteen directors, of whom a majority shall be a quorum, and the persons named in section 1 of this Act shall be the provisional directors of the Company.

Head office.

3. The head office of the Company shall be at the city of Edmonton, in the province of Alberta.

Branches, etc.

2. The directors may establish branch offices and local advisory boards at such other places in the provinces of Alberta, Saskatchewan and British Columbia and in the Yukon Territory as they may determine.

Capital stock.

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

When business may be commenced.

5. The Company shall not commence business until two hundred thousand dollars of the capital stock has been subscribed and fifty thousand dollars has been paid thereon.

Qualification of directors.

6. No shareholder shall be eligible for election as a director unless he holds in his own right at least ten shares of stock upon which all calls made and due have been paid; and if any director makes an assignment for the benefit of creditors or comes within the operation of any insolvency law then in force, or ceases to hold ten shares in his own right, he shall *ipso facto*

cease to be a director and his place may be filled for the remainder of the term by the directors from among the qualified shareholders of the Company.

Calls on stock.

7. Calls on stock may be made by the directors at such times and in such proportions as they deem proper; but no call except the first shall exceed ten per cent and no more than twenty-five per cent shall be called in any year after the first year.

Business of company.

8. The Company may throughout Canada:—

Trust money.

(*a*) receive and hold moneys in trust for the purposes herein specified, and invest and accumulate the same at such rates of of interest as may be obtained therefor;

Trustee.

(*b*) accept and execute all such trusts of every nature and description as are entrusted to it by any person, society, association, body corporate or government, or as are committed or transferred to the Company by any order, judgment or decree of any court in Canada or elsewhere; accept and execute the office of executor, administrator, trustee, accountant, arbitrator, adjuster, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator or committee of a lunatic; and perform the duties of such offices and trusts as fully and completely as any person so appointed could do; and in all cases where application is made to any court, judge, officer or person having authority to make an appointment to any such office or trust, such court, judge, officer or person may appoint the Company with its consent to hold such office or trust and may substitute, if necessary, for any obligation required from a private person appointed to such offices such usual obligations as are applicable to corporations, and may fix the remuneration of the Company;

Holding of estate.

(*c*) take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest or otherwise, any real or personal estate upon any lawful trusts, and perform and execute such trusts according to the terms and for the purposes declared, established or agreed upon;

Trusts for married women.

(*d*) accept from and execute trusts for married women in respect of their separate property, real or personal, and act as agents for them in the management of such separate property;

Guarantee investments.

(*e*) on such terms and conditions as are agreed upon, guarantee re-payment of the principal, or payment of the interest, or both, of any money entrusted to the Company for investment;

Agent for issuing sto k.

(*f*) act as agents for the purposes of issuing, countersigning, registering, or otherwise ascertaining and certifying to the genuineness of, any issue of stock, bonds, debentures or other obligations or securities for money, of any government, municipal or other corporate body or society, duly authorized to make and issue the same; and hold the said securities as agent or trustee, and act generally as fiscal or other agent for any such government or corporate body or society;

Management of estate.

(*g*) act as agent or attorney for managing estates, winding-up estates, receiving or collecting rents or any principal, interest, or other moneys, secured by mortgages, debentures, coupons or other securities, or any principal or interest or any debt evidenced by any bills or notes or otherwise, or any other debt or demand

of any nature or kind whatsoever, and in the sale or purchase of any real or personal property; and generally act in all matters in the nature of a trust or general agency;

Agent of executors.

(*h*) act as investing or managing agents of estates and properties for and on behalf of executors, administrators and trustees or other persons;

Custody of jewellery, etc.

(*i*) be the custodian, on such terms as are agreed upon, of any jewellery, plate or other valuable property and of wills, deeds, mortgages, debentures and other evidences of title or indebtedness;

Remuneration.

(*j*) receive and collect such remuneration for services of the Company as is agreed upon or as is previously fixed from time to time by its by-laws, and all usual and customary charges costs and expenses.

Investment of trust money.

9. The Company shall invest trust moneys as follows, and may manage, sell or dispose of such investments as the terms of the trust require,—

On mortgages.

(*a*) upon first mortgages of improved freehold property in Canada, and may accept personal property or covenants by way of collateral security thereto;

On stock and securities.

(*b*) in the stock, funds or government securities of Canada, or of any province of Canada, or of the United States, or guaranteed thereby respectively, or in bonds or debentures of any municipal corporation in any such province, other than municipal corporations having a population of less than two thousand inhabitants or an annual rate of assessment exceeding two cents on the dollar, or in the bonds and debentures of any school district in any such province, or in any public stock, funds or government securities of the United Kingdom, or any of the colonies or dependencies thereof;

On securities specified by court.

(*c*) in such securities as are specified by the terms of the trust or by the order, judgment or decree of a court or judge.

Existing securities.

2. Nothing in this section shall prevent the Company from holding securities of any other kind which form part of any trust estate which comes into its hands; and it may hold such securities subject to the trusts and legal obligations attached thereto; but in the case of the realization of any portion thereof the proceeds shall be invested as herein directed, unless the will, deed, order or instrument creating the trust has provided otherwise.

Trust money to be kept separate.

10. The moneys and securities of all such trusts shall always be kept distinct from those of the Company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the Company, so that at no time shall trust moneys form part of or be mixed with the general assets of the Company, and the Company shall, in the receipt of rents and in the overseeing and management of trusts and other property keep distinct records and accounts of all operations connected therewith: Provided that in the management of the moneys and properties held by the Company as trustee, or in any other official capacity, under the powers conferred by this Act, the Company may, unless the authority making the appointment

Proviso as to a general trust fund.

otherwise directs, invest trust money, in the manner provided by section 9 of this Act, in a general trust fund of the Company: Provided always that the total amount of money of any one trust invested in the said general fund shall not, at any time, exceed three thousand dollars.

Trust property not liable for debts of company.

11. Moneys, properties and securities received or held by the Company upon trust or as agent shall not be liable for the debts or obligations of the Company.

Account of administration.

12. In case of the appointment of the Company to any trust or office by any court in Canada, or by any judge, officer or person having lawful authority in that behalf, such court, judge, officer or person may, from time to time, require the Company to render an account of its administration of the particular trust or office to which it has been appointed, and may from time to time appoint a suitable person or suitable persons to investigate the affairs and management of the Company, and as to the security afforded to those by or for whom its engagements are held, and everyone so appointed shall report thereon to such court, judge, officer or person, and the expenses of such investigation shall be borne as ordered by such court, judge, officer or person.

Real estate which may be held.

13. The Company may hold such real estate as is necessary for the transaction of its business, not exceeding the net yearly value of ten thousand dollars, and may hold any further real estate of whatever value which, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may, from time to time, sell, mortgage, lease or otherwise dispose thereof; but the Company shall sell any real estate acquired in satisfaction of any debt due to itself, other than as trustee or in an official capacity, within seven years after such acquisition, unless such time is extended by order of the Governor in Council, otherwise such real estate shall revert to His Majesty for the use of Canada.

Investment of moneys of company.

14. The Company may invest any moneys forming part of its own capital or reserve, or accumulated profit thereon, in any of the securities mentioned in section 9 of this Act, or on the security of real estate in Canada, or of any interest in such real estate, or on the security of the debentures, bonds, stock and other securities of any chartered bank or Company incorporated by or under the authority of the Parliament of Canada, or of the legislature of any province of Canada, as the directors deem expedient.

Issue of notes prohibited.

15. Nothing in this Act shall be construed to authorize the Company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the note of a bank, or to engage in the business of banking or of insurance.

Subject to provincial laws.

16. The powers and authority hereby granted to the Company shall be exercised in any province subject to the laws of such province in that behalf, and shall not have any force or

effect in any province in any respect in which they are inconsistent with the laws of that province.

Annual statement to be given to Minister of Finance.

17. The Company shall prepare, and annually transmit to the Minister of Finance, a statement in duplicate, verified by the oath of the president or vice-president and of the manager or secretary. The statement shall set forth the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company, the trust property held by it, and such other details as the Minister requires, and shall be made up to the thirty-first day of December in each year.

Sections of Companies Act not to apply. R.S.C., c. 79.

18. Sections 125, 141 and 165 of *The Companies Act* shall not apply to the Company.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

AA

An Act to incorporate The Prairie Provinces Trust Company.

Received and read a first time,

Thursday, 25th March, 1909,

Second reading,

Tuesday, 30th March, 1909.

Honourable Mr. COFFEY.

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL BB.

An Act to incorporate The Board of Elders of The Canadian District of the Northern Province of The Moravian Church in America.

Preamble.

WHEREAS the persons hereinafter named have, by their petition, represented that they are members of the Moravian Church in America; that the said church has been engaged for several years in establishing and carrying on missions, the erection and conduct of churches, schools, colleges, orphanages and hospitals, in the provinces of Manitoba, Saskatchewan and Alberta; that in the course of their work some of them have acquired land which they desire to transfer to the corporation hereby created; and whereas the said petitioners have prayed that certain of the members in Canada of the said church may be invested with corporate powers, and it is expedient to grant their prayer: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The present members of the Board of Brethren, who, for the time being, are appointed to superintend the secular and spiritual concerns of the Canadian District of the Northern Province of the Moravian Church in America, to wit, the Right Reverend Clement Hoyler, of Strathcona, the Reverend Emile Suemper, of Calgary, and William Wensel, esquire, of Strathcona, all of the province of Alberta, and their successors, from time to time lawfully appointed in accordance with the constitution, rules and regulations of the said church, as the said constitution, rules and regulations now exist or may be hereafter modified or altered, are hereby constituted a corporation under the name of "The Board of Elders of the Canadian District of the Northern Province of the Moravian Church in America," hereinafter called "the Board."

Corporate name.

Head office.

2. The head office of the Board shall be in the city of Edmonton, in the province of Alberta, The Board may, from time to time, by by-law, establish branch offices or agencies at any place in Canada or elsewhere.

Branches.

Power to make by-laws.

3. The Board may, from time to time, make by-laws, not contrary to law nor inconsistent with the constitution, rules and regulations of the Moravian Church in America, for:—

(*a*) the administration, management and control of the property, business, and other temporal affairs of the Canadian District of the Northern Province of the Moravian Church in America;

(*b*) the appointment, functions, duties and remuneration of all officers, agents and servants of the Board;

(*c*) the appointment of committees and their duties;

(*d*) the calling of meetings, regular or special, of the Board or of 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 Board.

Powers to acquire and hold real property.

4. The Board 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 uses and purposes of the Board or of the Moravian Church in America, or to, for, or in favour of any eleemosynary, educational, religious or other institution established or intended to be established, by, under the management of, or in connection with the work of the Board or of the Moravian Church in America.

Limit as to value.

2. The annual value of the real estate held in Canada by or in trust for the Board shall not exceed fifty thousand dollars.

Investment in and disposal of real property.

5. The Board may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Board, whether by the way of investment for the uses and purposes mentioned in the next preceding section 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 purpcses of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Board 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.

Application of Dominion and Provincial mortmain laws.

6. 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 Board.

Authority for transfer of property held in trust.

7. 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 Board to be held in such trust, if any.

Execution of deeds.

8. Any deed or other instrument relating to real estate vested in the Board 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 Board and the signature of any officer of the Board duly authorized for such purpose or of his lawful attorney.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL.

BB

An Act to incorporate The Board of Elders of The Canadian District of the Northern Province of The Moravian Church in America.

Received and read a first time,

Thursday, 25th March, 1909.

Second reading,

Tuesday, 30th March, 1909.

Honourable Mr. DeVeber.

OTTAWA
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1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL CC.

An Act to incorporate The Canadian Medical Association.

Preamble.

WHEREAS Adam T. Shillington, Robert Wynyard Powell, Frederick Montizambert, Henry Beaumont Small and John D. Courtenay, all of the city of Ottawa, in the province of Ontario, physicians, have by their petition on behalf of the unincorporated society known as "The Canadian Medical Association" prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The said Adam T. Shillington, Robert Wynyard Powell, Frederick Montizambert, Henry Beaumont Small and John D. Courtenay, and all other members of the said present unincorporated society, together with such other persons as become members of the corporation, are hereby constituted a corporation under the name of "The Canadian Medical Association," hereinafter called "the Association."

Corporate name.

Objects.

2. The objects of the Association shall be the promotion of the medical and allied sciences, and the maintenance of the honour and the interests of the medical profession, by the aid of all or any of the following:—

(*a*) Periodical meetings of the members of the Association, and of the medical profession generally, in different parts of Canada or elsewhere.

(*b*) The publication of such information as may be thought desirable in the form of a periodical journal, which shall be the journal of the Association.

(*c*) The occasional publication of transactions or other papers.

(*d*) The grant of sums of money out of the funds of the Association for the promotion of the medical and allied sciences in such manner as may from time to time be determined.

(*e*) And such other lawful things as are incidental or conducive to the attainment of the above objects.

By-laws and rules.

3. The Association may make such by-laws and rules, not contrary to law or to the provisions of this Act, as it may deem necessary for the government and management of its business and affairs, and especially with respect to the qualification,

classification, admission and expulsion of members, the fees and dues which it may deem advisable to impose, and the number, constitution, powers and duties of its executive council, or other governing or managing committee, and of its officers, and may from time to time alter or repeal all or any of such by-laws and rules as it may see fit.

Existing constitution, by-laws and rules continued till changed.

4. Until altered or repealed in accordance with the provisions thereof, the existing constitution, by-laws and rules of the said unincorporated society, in so far as they are not contrary to law or to the provisions of this Act, shall be the constitution, by-laws and rules of the Association.

Executive Council and Officers.

5. The present executive council and other officers of the said unincorporated society shall continue to be the executive council and officers of the Association until replaced by others in accordance with the constitution, by-laws and regulations aforesaid.

Members not personally liable.

6. No member of the Association shall, merely by reason of such membership, be or become personally liable for any of its debts or obligations.

Real and personal property.

7. The Association may receive, acquire, accept and hold real and personal property by gift, purchase, legacy, 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.

1st Session, 11th Parliament, 9 Edward VII

THE SENATE OF CANADA.

BILL

CC

An Act to incorporate The Canadian Medical Association.

Received and read a first time,
Friday, 26th March, 1909.
Second reading,
Wednesday, 31st March, 1909.

Honourable Mr. McMILLAN

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL DD.

An Act respecting The Manitoba Radial Railway Company.

Preamble. 1907, c. 105.

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:—

Extension of time for construction. R.S., c. 37, s. 150.

1. The Manitoba Radial 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 the passing of this Act, and may finish the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not finished and put in operation, within the said periods respectively, 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.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

DD

An Act respecting The Manitoba Radial Railway Company.

First reading,

Friday, 26th March, 1909.

Second reading,

Wednesday, 31st March, 1909.

Honourable Mr. WATSON.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL EE.

An Act for the relief of Evelyn Martha Keller.

Preamble.

WHEREAS Evelyn Martha Keller, presently residing at the city of Toronto, in the province of Ontario, wife of Charles Henry Keller, formerly of the said city of Toronto, clerk, presently residing in the city of Detroit, state of Michigan, one of the United States of America, has by her petition alleged, in effect, that they were lawfully married on the fourteenth day of June, A.D. 1906, at the said city of Toronto, she then being Evelyn Martha Graham, spinster; that his legal domicile was then and is now in Canada; that at the said city of Toronto, in the period between the end of the month of November, A.D. 1907, and the beginning of the month of April, 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, 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:—

Marriage dissolved.

1. The said marriage between Evelyn Martha Graham and Charles Henry Keller, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Evelyn Martha Graham may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Henry Keller had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL.

EE

An Act for the relief of Evelyn Martha Keller.

Received and read a first time,

Tuesday, 30th March, 1909.

Second reading,

Thursday, 1st April, 1909.

Honourable Mr. PERLEY.

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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL FF.

An Act for the relief of Frank Parsons.

Preamble.

WHEREAS Frank Parsons, of the municipality of Westbourne, in the province of Manitoba, locomotive engineer, has by his petition alleged, in effect, that on the seventh day of November A.D. 1898, at the township of Hope, in the county of Durham, province of Ontario, he was lawfully married to Ellen Weller; that she was then of the village of Janetville, in the said county, a spinster ; that his legal domicile was then and is now in Canada; that on the thirtieth day of January, A.D. 1902, at Stonewall, in the province of Manitoba, she went through the form of marriage with John David Edgar Hetherington, and has since then been living in adultery with the said Hetherington, and was so living with the said Hetherington in the month of October, A.D. 1908, at Somerset, in the province of Manitoba; 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:—

Marriage dissolved.

1. The said marriage between Frank Parsons and Ellen Weller, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Frank Parsons may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Ellen Weller had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

FF

An Act for the relief of Frank Parsons.

Received and read a first time,

Tuesday, 30th March, 1909.

Second reading,

Thursday, 1st April, 1909.

Honourable Mr. DERBYSHIRE.

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL GG.

An Act for the relief of Hannah Ella Tomkins.

Preamble.

WHEREAS Dame Hannah Ella Trenholme, presently residing at the town of Coaticook, in the province of Quebec, wife of John Edwin Charles Tomkins, formerly of the village of Stanstead, in the said province, doctor of medicine, presently residing in the village of Yukon, in the state of Oklahoma, one of the United States of America, has by her petition alleged, in effect, that they were lawfully married on the tenth day of October, A.D. 1894, at the said town of Coaticook, she then being a spinster; that his legal domicile was then and thereafter continued to be in Canada, that in or about the month of November, A.D. 1904, he deserted her; that in or about the month of November, A,D, 1904, he deserted her; that his present legal domicile is unknown; that at divers places in the province of Quebec at divers times between the months of August and November, A.D. 1904, he committed adultery with Alice Holmes then the wife of Charles William Holmes, of the village of Rock Island, in the said province; that by chapter 108 of the statutes of 1904, intituled "An Act for the relief of Charles William Holmes", a divorce from the said Alice Holmes was granted to the said Charles William Holmes, on the ground of her adultery with the said John Edwin Charles Tomkins at divers times between the months of August, A.D. 1903 and November, A.D. 1905, at divers places both in the province of Quebec and in the United States of America; 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:—

Marriage dissolved.

1. The said marriage between Hannah Ella Trenholme and John Edwin Tomkins, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsover.

Right to marry again.

2. The said Hannah Ella Trenholme may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Edwin Charles Tomkins had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA

BILL

GG

An Act for the relief of Hannah Ella Tomkins.

Received and read a first time,

Wednesday, 31st March, 1909.

Second reading,

Friday, 2nd April, 1909.

Honourable Mr. MITCHELL.

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL HH.

An Act to incorporate The Canadian Red Cross Society.

Preamble.

WHEREAS an Association known as The Canadian Red Cross Society has been in operation for some years past, and was actively engaged during the late war in South Africa in contributing funds and tending the sick and wounded; and whereas the said association was in affiliation with the Society in England known as "The National Society for Aid to the Sick and Wounded in War," and the work, operations and powers of the last named Society have now been transferred to and are being carried on, under the patronage of His Majesty King Edward the Seventh, by The British Red Cross Society, with which The Canadian Red Cross Society has now become affiliated; and whereas the International Conference of Geneva of 1863 recommended: "That there should exist in every country a Committee whose mission consists in co-operating in times of war with the hospital service of the armies by all means in its power;" and whereas it is expedient that there should be a permanent organization in Canada in affiliation with the British Red Cross Society to carry out the purposes of the said treaty, and especially to secure supplies and to execute the humane objects contemplated by the said treaty, with the power to adopt and use the distinctive flag and badge specified by the said treaty in Article 7, on which shall be the sign of the Red Cross, for the purpose of co-operating with the "Comité International de Secours aux Militaires Blessés;" and whereas it is expedient that the existing association in Canada should be incorporated for the purposes aforesaid: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. His Honour Colonel John Morison Gibson, Lieutenant Governor of the province of Ontario; Sir Louis A. Davies, Ottawa; The Honourable George W. Ross, Toronto; The Honourable Hugh John Macdonald, Winnipeg; The Honourable George A. Cox, Toronto; Lieutenant-Colonel George Sterling Ryerson, Toronto; Lieutenant-Colonel A. E. Labelle, Montreal; Lieutenant-Colonel T. G. J. Loggie, Fredericton; Lieutenant-Colonel James Bayne MacLean, Toronto; Lieutenant-Colonel Minden Cole, Montreal; Lieutenant-Colonel The Honourable John S. Hendrie, Hamilton; Lieutenant-Colonel William N. Ponton, Belleville; Lieutenant-Colonel George A. Sweny, Toronto; Lieutenant-Colonel John Irvine Davidson, Toronto; Colonel

James A. Mason, Toronto; Colonel Sir Henry M. Pellatt, Toronto; Lieutenant-Colonel Hugh H. McLean, St. John, N.B.; Charles R. Dickson, M.D., Toronto; The Honourable George E. Foster, Toronto; Alexander MacNeill, Wiarton; The Honourable W. H. Montague, Winnipeg; Sir Charles Hibbert Tupper, Victoria; Judge D. T. Hughes, St. Thomas; Justin Miller, Mayor of Ingersoll; John George W. Hodgins, LL.D., Toronto; James Algernon Temple, M.D., Toronto; Daniel R. Wikie, Toronto; Thomas G. Roddick, M.D., Montreal; Frederick M. Montizambert, M.D., Ottawa; Henry S. Strathy, Toronto; John T. Small, K.C., Toronto; and Charles Alfred Hodgetts, M.D., Toronto; and the following ladies, president of local organizations: Mrs. H. A. Boomer, London; Mrs. Harrington, Dorchester, N.B.; Mrs. Cornelia de Lancry Smith, Moncton, N.B.; Mrs. Helen Arnold, Sussex, N.B.; Mrs. Edith Boulton Nordheimer, Toronto; Mrs. Jennie C. McFadden, Brampton; Mrs. Florence A. Robertson, Newmarket; Mrs. Emma Tyrwhitt, Bradford; Mrs. Frances M. DuMoulin, Hamilton; Mrs. Emily C. Watson, Edmonton; Mrs. Alice Tilley, St. John, N.B.; Mrs. Alberta Poulle, Sackville, N.B.; Mrs. Jessie McEwen, Brandon; Mrs. Annie Lett, Guelph; Mrs. Kate I. Hare, Whitby; and Mrs. A. I. Domville, Rothesay, N.B.; and their associates and successors are hereby created a body corporate and politic in and for the Dominion of Canada under the name of "The Canadian Red Cross Society," hereinafter called "the Society."

Corporate name.

Right to hold property.

Emblem and badge.

By-laws and regulations.

Authority to act under Treaty of Geneva.

2. The Society may acquire and hold such real and personal estate as is deemed advisable; and may accept bequests for the purposes hereinafter set forth; and shall have the right to have and use in carrying out its purposes as an emblem and badge a Greek Red Cross on a white ground as the same has been described in the treaty of Geneva dated the twenty-second day of August, 1864, and adopted by the several nations acceding thereto; and may make by-laws and regulations, not inconsistent with the laws of Canada or of any province thereof; and generally may do all such acts and things as are necessary to carry into effect the provisions of this Act and promote the purposes of the Society; and the Society is hereby designated as the Canadian organization which is authorized to act in matters of relief under the said treaty.

Purposes.

Aid to sick and wounded in war.

3. The purposes of the Society shall be:—

(1) To furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of the conference of Geneva of October, 1863, and also of the treaty of the Red Cross or the treaty of Geneva of August twenty-second, 1864, to which Great Britain has given its adhesion.

Performance of national duties under Treaty of Geneva.

(2) To perform all the duties devolved upon a national society by each nation which has acceded to said treaty, but in affiliation with the said British Red Cross Society.

Succession to former association.

(3) To succeed to and take over all the rights and property heretofore or now held and enjoyed by, and all the duties heretofore performed by, the unincorporated association known as the Canadian Red Cross Society.

Penalties for unlawful use of Society's name, badge, etc.

4. From and after the passing of this Act it shall be unlawful for any person within the jurisdiction of the Dominion of Canada to falsely and fraudulently hold himself out as, or represent or pretend himself to be, a member of, or agent for, the Canadian Red Cross Society, for the purpose of soliciting, collecting or receiving money or material; or for any person to wear or display the sign of the Red Cross, or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of, or an agent for, the Canadian Red Cross Society. Nor shall it be lawful for any person or corporation, other than the Canadian Red Cross Society, not now lawfully entitled to use the sign of the Red Cross, hereafter to use such sign or any insignia coloured in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever. If any person violates the provisions of this section, he shall be guilty of a misdemeanor and shall be liable to a fine of not less than one nor more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offence. The fine so collected shall be paid to the Canadian Red Cross Society.

Government of Society.

5. The governing body of the Society shall consist of a Central Council, numbering eighteen persons, to be elected immediately after the passing of this Act by the corporators above named. It shall be the duty of the Central Council to organize with as little delay as possible branches in the various provinces of Canada under such rules as the Central Council may prescribe; and upon the formation of such branches each province shall be entitled to appoint one member of the Central Council specially to represent it, such member so to be appointed to be in addition to the eighteen above named.

Branches.

Election of members of Central Council.

2. The said eighteen members of the Central Council shall be elected each for three years, retiring members being eligible for re-election by all the then members of the Society.

Executive Committee.

3. The Central Council shall have the power to appoint an executive committee of seven of its members, five of whom shall be a quorum, who, when the Central Council is not in session, shall have and exercise all the powers of the Central Council.

Report of proceedings.

6. The Society shall, on the thirty-first day of January of each year, make and transmit to the Minister of Militia and Defence a report of its proceedings for the previous year, including a full, complete and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the Department of Militia and Defence.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

HH

An Act to incorporate The Canadian Red Cross Society.

Received and read a first time,

Friday, 2nd April, 1909.

Second reading,

Wednesday, 7th April, 1909.

Honourable Mr. Ross,
(Middlesex.)

OTTAWA
Printed by C. H. Parmelee
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL II.

An Act to incorporate the Equity Fire Insurance Company of Canada.

Preamble.

WHEREAS The Equity Fire Insurance Company has by its petition represented that it was incorporated by letters patent under the Great Seal of Ontario dated 29th January, 1898, issued pursuant to "The Ontario Insurance Act," chapter 203 of The Revised Statutes of Ontario of 1897, and that it has since 1st July, 1901, under license issued pursuant to *The Insurance Act*, carried on the business of fire insurance in Canada; and whereas the said Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.O., 1897.

R.S.C., c. 34.

Incorporation.

1. The shareholders of The Equity Fire Insurance Company mentioned in the preamble, and hereinafter called "the old Company," together with such persons as become shareholders in the Company hereby incorporated, are hereby incorporated under the name of "The Equity Fire Insurance Company of Canada," hereinafter called "the new Company."

Corporate name.

Capital stock.

Shares.

2. The capital stock of the new Company shall be one million dollars, divided into shares of fifty dollars each.

Conversion of shares of old Company into shares of new Company.

3. Each shareholder of the old Company is hereby declared to be the holder of the same number of shares in the new Company as he holds in the old Company: but no sum less than twenty-five dollars per share paid on the issued shares of the old Company shall be credited as paid on the shares of the new Company. The liability of a shareholder of the new Company upon the shares of the new Company so held by him shall amount, per share, only to the difference between the sums so credited as paid upon each share and fifty dollars.

Liability on new shares.

Issue of fully paid shares for amount at credit.

2. When the paid-up capital of the new Company is not less than two hundred and fifty thousand dollars, and if the new Company's assets are sufficient to cover the paid-up capital and the re-insurance reserve, as required by *The Insurance Act*, and all other liabilities of the new Company, each holder of shares in the new Company which have been issued in exchange for shares in the old Company, shall receive fully-paid-up shares representing the amount so credited as aforesaid as paid upon his shares and the amount of any additional payments which have been made by him.

Liability as to shares in old Company.

4. Nothing in this Act shall affect the liability of 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; and 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: Provided, however, that any payment made upon the shares of the new Company shall reduce the liability of the shareholders of the old Company by the amount of such payment.

New Company's liability for old Company's obligations.

5. The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company; and any person having any claim, demand, right, cause of action, or complaint against the old Company, or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the new Company, as such person has against the old Company: 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.

As to individual liability of shareholders.

R.S., c. 79.

Vesting of assets.

6. All the assets, rights, credits, effects and properties, real personal and mixed of whatever kind and wheresoever situated belonging to the old Company or to which it is or may be or may become entitled, shall be vested in the new Company subject to existing mortgages or liens, if any, upon due execution of an indenture in the form contained in the schedule to this Act, or to the like effect.

Calls on new Company's shares.

7. The directors of the new Company may, from time to time, make such calls as they think fit upon the shareholders in respect of all moneys unpaid on the shares of the new Company held by them respectively. Such calls shall be payable at such times and places and in such payments or installments as the directors appoint: Provided, that no call shall exceed ten per cent, and that not less than thirty days' notice of any call shall be given.

Amount.

Notice.

Officers, directors and by-laws continued.

8. The president, vice-president and directors of the old Company shall continue to be such in 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 the by-laws, rules and regulations of the new Company until amended or repealed under the provisions of this Act.

Directors.

Qualification.

9. The affairs of the new Company shall be managed by a board of not less than eight or more than twenty-four directors a majority of whom shall be a quorum. No person shall be a director unless he holds in his own name and for his own use

at least fifty shares of the capital stock of the new Company and has paid all calls due thereon and all liabilities incurred by him to the new Company.

Head office.

10. The head office of the new Company shall be in the city of Toronto, in the province of Ontario.

Local boards.

2. Local advisory boards or agencies may be established and maintained either in Canada or elsewhere, in such manner as the directors from time to time direct.

Annual general meeting.

Statement.

11. A general meeting of the new Company shall be called at its head office once in each year; and at such meeting a statement of the affairs of the new Company shall be submitted by the directors.

Special general meeting.

2. Special general meetings may be called at any time, by any five of the directors, or by requisition of any twenty five shareholders, specifying in the notice the object of such meeting.

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.

Authorized business.

Fire insurance.

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, 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 as are agreed upon between the new Company and the insured; and, generally, may carry on the business of fire insurance in all its branches and forms.

Accident insurance.

2. The new Company may also make and effect contracts of insurance with any person 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, or, in case of death from accident or casualty, 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; and, generally, may carry on the business of accident insurance as defined by *The Insurance Act*.

Re-insurance.

3. The new Company may also cause itself to be insured against any risk it may have undertaken in the course of its business.

Re-insurance.

4. The new Company may also undertake the re-insurance of the risks of other Companies.

Power to hold real property.

Limitation.

13. The new Company may acquire and hold any real property required in part or wholly for its use or accommodation, and may dispose thereof when necessary, 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.

Commencement of business.

14. The new Company shall not commence the business of fire insurance authorized by this Act until the subscribed capital of the new Company has been increased from two hundred and twelve thousand four hundred dollars, being the sum to which the present subscribed capital of the old Company is reduced by virtue of section 3 of this Act, to at least two hundred and fifty thousand dollars, and there has been paid thereon, in addition to the sum of twenty one thousand two hundred and forty dollars, being the amount over and above twenty-five dollars per share paid on the issued shares of the old Company which may be credited as paid on the fifty dollar shares of the new Company, at least the sum of seventy-eight thousand seven hundred and sixty dollars in cash into the funds of the new Company to be appropriated only for the purposes of the new Company under this Act.

Fire.

Accident.

2. The new Company shall not commence the business of accident insurance as provided for under this Act until its subscribed capital has been increased to at least four hundred thousand dollars, and a further and additional amount of fifty thousand dollars has been paid thereon in cash into the funds of the new Company to be appropriated only for the purposes of the new Company under this Act.

Ascertainment of payments of capital.

3. 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 capital stock of the new Company required to be subscribed under this Act.

Ascertainment of payments of capital.

4. The amount paid in cash by any shareholder of the new Company 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 under subsections 1 and 2 of this section.

Further annual payments.

15. In each year for five years after the issue of a license to the new Company under *The Insurance Act* a sum of fifteen thousand dollars shall be paid annually in cash upon the capital stock of the new Company, which sums shall be in addition to the sums required to be paid under section 14 of this Act.

Bringing of this Act into force by approval of shareholders of old company.

16. This Act shall not take effect unless and until accepted and approved of by resolution passed by a vote of not less than two-thirds 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.

Notice thereof

2. Notice of such acceptance and approval and of the day so fixed, shall be published by the new Company in *The Canada Gazette*.

Application of R.S., c. 79.

17. Notwithstanding anything in *The Companies Act*, Part II thereof, except sections 125, 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 *The Insurance Act*, or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

R.S., c. 34.

18. This Act, and the new 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.

SCHEDULE.

This indenture made the day of A.D 1909, between The Equity Fire Insurance Company, a company incorporated under the provisions of "The Ontario Insurance Act" being Chapter 203 of the Revised Statutes of Ontario, 1897, of the first part, hereinafter called "the old Company" and "The Equity Fire Insurance Company of Canada" incorporated by an Act of the Parliament of Canada, of the second part, hereinafter called "the new Company".

Whereas by a resolution duly passed in that behalf the shareholders of the old Company have accepted and approved of the new Company's Act of incorporation, being Chapter of the Statutes of Canada, 1909, intituled "An Act to incorporate The Equity Fire Insurance Company of Canada", and, by the said resolution, the day of 19 , was fixed as the date from which the said Act should take effect.

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

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

And in consideration of the foregoing the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all

debts, liabilities, obligations and contracts for or in respect of which the old Company is now liable, or which it should pay, discharge, carry out or perform, and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA

BILL

II

An Act to incorporate The Equity Fire Insurance Company of Canada.

Received and read a first time,

Friday, 2nd April, 1909.

Second reading,

Wednesday, 7th April, 1909.

Honourable Mr. Ross.
(Middlesex.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL JJ.

An Act respecting Mexican Transportation Company, Limited and to change its name to "Mexican Northwestern Railway Company."

WHEREAS Mexican Transportation Company, Limited, has by its petition, represented that it is incorporated under *The Companies Act*, chapter 79 of *The Revised Statutes of Canada, 1906*, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. R.S., c. 79.

1. The name of the said Company, hereinafter called "the Company" is changed to "Mexican Northwestern Railway Company," but such change of name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in anywise affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed. Name changed. Existing rights not affected.

2. Subject to the laws in force in the Republic of Mexico, and with such legislative, governmental, municipal or other authority, concession, license or consent as is necessary, the Company may, within the Republic of Mexico, survey, lay out, construct, complete, equip, maintain, and operate, and from time to time extend, remove and change as required, double or single iron or steel railways and branches, side tracks, turn-outs, and appurtenances and tramways for the passage of cars, carriages and other vehicles adapted thereto, upon and along streets, highways and other public places, and upon and along lands purchased leased or otherwise acquired by the Company; also telegraph and telephone lines and works in connection therewith; and allow the use of the said railways and other works by lease, license or otherwise for reward; and take, transmit and carry for reward telegrams, messages, passengers and freight, including mails, express and other freight upon or by means thereof, by steam, pneumatic, electric or other power, or by a combination of them or any of them; and also may there acquire, by purchase, lease or otherwise, upon such terms and conditions as are agreed upon, and maintain and operate for reward, any existing or future lines of railway, tramway, telegraph and telephone; and for all or any of the purposes Company authorized to acquire powers in Republic of Mexico. Railways. Tramways. Telegraphs. Telephones. Carriers. Acquisition of properties of other companies.

aforesaid, the Company may enter into and carry out such contracts, concessions and agreements as it thinks necessary.

Issue of share warrants.

3. The Company may, with respect to any share which is fully paid up, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the share or shares included in such warrant, hereinafter referred to as a "share warrant."

Effect of share warrant.

4. A share warrant shall entitle the bearer of such warrant to the shares specified in it, and such shares may be transferred by the delivery of the share warrant.

Surrender and cancellation entitle to entry as shareholder.

Liability of Company for entry without cancellation.

5. The bearer of a share warrant shall, subject to the conditions to be determined by the directors as hereinafter provided, be entitled, on surrendering such warrant for cancellation, to have his name entered as a shareholder in the books of the Company, and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in its books the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled.

To what extent bearer is to be deemed shareholder.

R.S., c. 79.

Warrant will not qualify bearer as a director.

6. The bearer of a share warrant, may, if the directors so determine, be deemed to be a shareholder of the Company within the meaning of *The Companies Act*, either to the full extent or for such purposes as is prescribed by the directors: Provided that the bearer of a share warrant shall not be qualified in respect of the shares specified in such warrant for being a director of the Company.

Particulars to be entered in register.

7. On the issue of a share warrant in respect of any share or shares, the Company shall strike out of its books the name of the shareholder then entered therein as holding such share or shares as if he had ceased to be a shareholder, and shall enter in the register the following particulars:—

(*a*) the fact of the issue of the warrant;

(*b*) a statement of the share or shares included in the warrant;

(*c*) the date of the issue of the warrant;

Date of surrender to be entered.

R.S., c.79, ss. 89, 90.

and until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required, by sections 89 and 90 of *The Companies Act*, to be entered in the books of the Company in respect of such share or shares; and on the surrender of a warrant the date of such surrender shall be entered as if it were the date at which a person ceased to be a shareholder.

Directors may vary conditions of issue.

8. The directors may determine, and from time to time vary, the conditions upon which share warrants shall be issued, and in particular upon which a new share warrant or coupon will be issued in the place of one worn out, defaced, lost or destroyed, and the conditions upon which the bearer of a share warrant shall be entitled to attend and vote at general meetings, and upon which a share warrant may be surrendered and the

name of the holder entered in the books of the Company in respect of the shares therein specified. Unless the bearer of a share warrant is entitled to attend and vote at general meetings, the shares represented by such warrant shall not be counted as part of the stock of the Company for the purposes of a general meeting. The holder of a share warrant shall be subject to the conditions for the time being in force, whether made before or after the issue of such warrant.

Company may guarantee securities of other corporations controlled by it.

9. The Company may guarantee the payment of the principal and interest, or any part thereof, of bonds, debenture stock, or other securities or evidences of indebtedness of any corporation the majority of whose capital stock is held or controlled by the Company; such guarantee may be signed by the officer duly authorized in that behalf, and may be in the form set out in the schedule hereto or to the like effect; and the Company shall be liable to the holder from time to time of the bond or other security so guaranteed, in accordance with the terms of such guarantee.

SCHEDULE.

Payment of the principal and interest (*or as the case may be*) of the within bond (*or as the case may be*) in accordance with the tenor thereof (*or as the case may be*) is hereby guaranteed by Mexican Northwestern Railway Company, (*here may be set out any special terms or conditions of the guarantee.*)

For

MEXICAN NORTHWESTERN RAILWAY COMPANY.

President (*or other officer duly authorised*).

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

JJ

An Act respecting Mexican Transportation Company, Limited and to change its name to "Mexican Northwestern Railway Company."

Received and read a first time,

Friday, 2nd April, 1909.

Second reading,

Wednesday, 7th April, 1909.

Honourable Mr. RILEY.

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL KK.

An Act for the relief of Mildred Gwendolyn Platt Patterson.

Preamble.

WHEREAS Mildred Gwendolyn Platt Patterson, presently residing at the city of Toronto, in the province of Ontario, wife of Charles Colebrooke Patterson, of the city of Ottawa, in the province of Ontario, has by her petition alleged, in effect, that they were lawfully married on the first day of September, A.D. 1902, at the city of Ottawa, in the province of Ontario, she then being Mildred Gwendolyn Platt Church, spinster; that the legal domicile of the said Charles Colebrooke Patterson was then and is now in Canada; that at the city of Ogdensburg, in the state of New York, one of the United States of America, on or about the fourth and fifth days of July, 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, 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:—

Marriage dissolved.

1. The said marriage between Mildred Gwendolyn Platt Church and Charles Colebrooke Patterson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mildred Gwendolyn Platt Church may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Colebrooke Patterson had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL.

KK

An Act for the relief of Mildred Gwendolyn Platt Patterson.

Received and read a first time,

Tuesday, 6th April, 1909.

Second reading,

Wednesday, 7th April, 1909.

Honourable Mr. JONES.

OTTAWA
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1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL LL.

An Act for the relief of Charles Bowerbank Lowndes.

Preamble.

WHEREAS Charles Bowerbank Lowndes, of the city of Toronto, in the province of Ontario, manufacturer, has by his petition alleged, in effect, that on the twenty-third day of April, A.D. 1895, at the city of Cincinnati, in the state of Ohio, one of the United States of America, he was lawfully married to Lulu Anna Henderson; that his legal domicile was then and is now in Canada; that in or about the month of June, A.D. 1905, she deserted him and went to the city of Detroit, in the state of Michigan, one of the said United States; that on the second day of October, A.D. 1906, at the city of Chicago, in the state of Illinois, one of the said United States, she went through a form of marriage with one K. Franklin Peterson, with whom she has since lived, as wife with husband, and was on the first day of March, A.D. 1909, so living at the said city of Chicago; that he has not connived at nor condoned the said offence; 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:—

Marriage dissolved.

1. The said marriage between Charles Bowerbank Lowndes and Lulu Anna Henderson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Charles Bowerbank Lowndes may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Lulu Anna Henderson had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

LL

An Act for the relief of Charles Bowerbank Lowndes.

Received and read a first time,

Tuesday, 6th April, 1909,

Second reading,

Wednesday, 7th April, 1909.

Honourable Mr. CAMPBELL.

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL MM.

An Act for the relief of Isaac Moore.

Preamble.

WHEREAS Isaac Moore, of the city of Toronto, in the province of Ontario, teamster, has by his petition alleged, in effect, that on the seventh day of August, A.D. 1893, at the said city of Toronto, he was lawfully married to Mary Ellen Terry, 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 Hamilton, in the province of Ontario, in or about the month of June, A.D. 1904, she committed adultery with one Richard L. Hammond; 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:—

Marriage dissolved.

1. The said marriage between Isaac Moore and Mary Ellen Terry, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Isaac Moore may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Ellen Terry had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

MM

An Act for the relief of Isaac Moore.

Received and read a first time,

Tuesday, 6th April, 1909.

Second reading,

Wednesday, 7th April, 1909.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL NN.

An Act to confer on the Commissioner of Patents certain powers for the relief of Washington R. McCloy.

Preamble.

WHEREAS Washington R. McCloy, having his chief place of business at the city of Elwood, county of Madison, in the state of Indiana, one of the United States of America, has by his petition represented that on October 21st, 1902, he was granted letters patent, number 77,901, under the seal of the Patent Office, for a machine for finishing glassware; that on or before the expiration of the six years of the said letters patent, which were granted for a term of eighteen years (only a partial fee for the first six years being paid upon the issue thereof), he was entitled upon application therefor to a certificate of payment of the renewal fee as provided by section 23 of *The Patent Act;* that he duly remitted, in the month of September, 1908, the sum of twenty-two dollars and fifty cents to a responsible firm of patent solicitors at Ottawa; that on October 2nd, 1908, Mr. Lloyd Blackmore, on behalf of the said firm, wrote to him as follows:—

R.S., 1906, c. 69, s. 23.

"We are paying this fee at the Patent Office, and will receive the certificate in the course of a day or so, when we will immediately forward the same to you;"

that the record of the receipt of this fee was inadvertently mislaid in the office of the said firm, and the mistake was not discovered until October 22nd, 1908; that the said fee was then tendered to the Patent Office, and, under the rules of the Patent Office, was rejected as being too late; that the said Washington R. McCloy again wrote to the said firm, not having received his certificate, and asked the reason of the delay, and in no way neglected his part in the matter; that the said Washington R. McCloy was attentive in his efforts to fulfill the requirements of the law, and was careful in his choice of agents; that the said Washington R. McCloy relied on the said agents and therefore that the said Washington R. McCloy was an innocent party to the neglect; and whereas the said Washington R. McCloy has petitioned for an Act authorizing the Commissioner of Patents to receive his application and fee for the second term of six years of the eighteen years for which the said letters patent were conditionally granted, and to issue the certificate of payment of said fee provided by *The Patent Act*, and it is expedient to grant the prayer of the said petitioner: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to Commissioner of Patents to receive fee and extend duration of patent.

1. Notwithstanding anything to the contrary in *The Patent Act*, or in the said letters patent, the Commissioner of Patents may receive from Washington R. McCloy, the application for a certificate of payment and the usual fees therefor upon the said letters patent for the second term of six years of the eighteen years of the said letters patent, and may grant and issue to the said Washington R. McCloy, the certificate of payment of fees provided for by *The Patent Act*, and an extension of the period of duration of the said letters patent to the term of twelve years, in as full and ample a manner as if application therefor has been duly made within six years from the date of the issue of the said letters patent.

R.S., c. 69, s. 23.

Certain rights saved.

2. If any person has, in the period between the 21st October, 1908, and the 23rd February, 1909, commenced to manufacture, use or sell, in Canada, the invention covered by the said letters patent, such person may continue to manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

NN

An Act to confer on the Commissioner of Patents certain powers for the relief of Washington R. McCloy.

First reading,

Tuesday, 6th April, 1909.

Second reading,

Wednesday, 7th April, 1909.

Honourable Mr. McHUGH.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL OO.

An Act for the relief of John Denison Smith.

Preamble.

WHEREAS John Denison Smith, of the town of Richmond, in the province of Quebec, has by his petition alleged, in effect, that on the twentieth day of September, A.D. 1898, at the city of Montreal, in the said province, he was lawfully married to May Stephen; that she was then of the city of Sorel, in the said province, a spinster; that his legal domicile was then and is now in Canada; that in or about the month of September, A.D. 1905, she deserted him; that on the twentieth day of April, A.D. 1908, at the town of Brighton, in the state of Vermont, one of the United States of America, she went through a form of marriage with one Edmund F. Cleveland, with whom she has since lived in adultery at the said town of Richmond; 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:—

Marriage dissolved.

1. The said marriage between John Denison Smith and May Stephen, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Denison Smith may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said May Stephen had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

00

An Act for the relief of John Denison Smith.

Received and read a first time,

Wednesday, 7th April, 1909.

Second reading,

Wednesday, 21st April, 1909.

Honourable Mr. MITCHELL,

OTTAWA
Printed by C. H. PARMELEE
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL PP.

An Act respecting The Royal Victoria Life Insurance Company and to change its name to Royal Life Insurance Company of Canada.

Preamble.

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

1897, c. 81.

1907, c. 126.

1897, c. 81, s. 7 repealed and new provisions.

Board of directors.

1. Section 7 of chapter 81 of the statutes of 1897 is hereby repealed and in lieu thereof it is hereby enacted that the affairs of the Company shall be managed by a board of not less than seven or more than twenty-five directors, of whom a majority shall be a quorum.

1907, c. 126, s. 3 repealed.

2. Section 3 of chapter 126 of the statutes of 1907 is hereby repealed.

1907, c. 126, s. 4 amended.

3. The following subsections are hereby added to section 4 of the said chapter 126 as subsections 2, 3 and 4 thereof:—

New provision as to liability of shareholders in respect of reduced shares.

"2. Until the full amount so available has been subscribed and issued and twenty per cent has been paid thereon, to be applied as in the next succeeding subsection specified, the liability of the shareholders shall remain the same as if no reduction had been made in the subscribed capital or in the amount paid up thereon and shall not be affected thereby, but so soon as the said stock has been subscribed and issued and twenty per cent has been paid thereon as aforesaid, the liability upon the shares issued prior to such reduction shall be reduced to the amount remaining actually unpaid upon the shares.

"3. Of the twenty per cent paid on the shares mentioned in the next preceding subsection, one half shall be credited as paid upon the shares and the balance shall be treated as a bonus and shall be held as and shall form part of the general funds of the Company.

"4. The said balance may, however, be repaid, but shall be repayable only out of the net profits derived from the business of the Company in the non-participating policies of insurance issued by the Company and out of ten per cent of the net profits derived from the business of the Company in the participating policies of insurance issued by the Company. The ninety per cent of the portion of the profits referred to in section 14 of this Act and set apart as therein mentioned, shall in no case be liable

for. or be charged with, the repayment of the said balance, or of any portion thereof, or of interest thereon; and the said balance shall not, in any case or under any circumstances, form a liability of the Company as against the claims and interests of the policyholders in respect of profits or otherwise."

Company's name changed.

4. The name of the company is hereby changed to "Royal Life Insurance Company of Canada," but such change of name shall not in any way impair, alter or affect any right or obligation of the company, nor in any wise affect any suit or proceeding now pending by or against the company or any existing judgment in favour of or against the company.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

PP

An Act respecting the Royal Victoria Life Insurance Company, and to change its name to Royal Life Insurance Company of Canada.

Received and read a first time,

Wednesday, 21st April, 1909.

Second reading,

Friday, 23rd April, 1909.

Honourable Mr. DAVID.

OTTAWA
Printed by C. H. PARMELEE
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL QQ.

An Act to provide for the incorporation of Railway Companies.

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

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. Formation of association. R.S., c. 37.

2. The agreement of association shall contain the following particulars:— Contents of agreement.

(*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;". Name of corporation.

(*b*) the terminal points of the proposed railway, and, as nearly as may be estimated, its length in miles; Termini.

(*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; Route.

(*d*) the gauge of the railway, which shall be four feet, eight inches and one-half of an inch; Gauge.

(*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; Capital. Shares.

(*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; Subscribed shares.

(*g*) the place where the head office of the corporation is to be; 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;

Secretary and Treasurer.

(*i*) The name, residence, occupation and post office address of the secretary and of the treasurer of the association.

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.

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:—

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

(*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 county 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.

English and French.

2. In the provinces of Quebec and Manitoba, the notice shall be given in both the English and French languages.

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.

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.

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 contain-

ing such information and in such detail, as may be required by regulations in that behalf to be made by the Board of Railway Commissioners for Canada, or as may be required by special order of the Board made when necessary.

Information to be given thereby

2. The plan, profile, report and estimate shall contain generally all necessary information as to—

(*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;

(*c*) all existing railways and highways to be crossed and the mode of crossing proposed in each case;

(*d*) all rivers and streams 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;

(*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;

(*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.

Application to Board of Railway Commissioners for certificate.

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.

What to be submitted.

2. With such application there shall be submitted to the Board—

(*a*) the original agreement of association, and as many copies thereof as the Board may require;

(*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;

(*d*) proof that the necessary notice has been published and given as required by this Act;

(*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.

Powers to Board.

2. 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.

3. 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.

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—

that the amount mentioned in the next preceding section of this Act has been paid in good faith as required by that section, or 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—

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—

that the construction and operation of the proposed railway will be in the public interest;

Issue of certificate.

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.

Refusal 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.

Matters to be settled by the Board.

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*—

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;

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.

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

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;

(*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; Issue of securities.

(*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; Agreements with other companies.

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— Additional powers.

(*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; Vessels, &c.

(*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, Development and utilization of power.

(*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 tele- Operation of telegraph and telephone lines for public.

graph or telephone powers, and the connection of the 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.

Issue of letters patent of incorporation.

11. If the provisional directors fyle 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.

Application of R.S., c. 37.

12. *The Railway Act* and all amendments thereof, except in so far as modified by this Act, shall apply to every corporation created under this Act.

Interpretation.

2. The expressions "Special Act" and "Act authorizing the construction of the railway", wherever used in *The Railway Act* and its amendments, shall include letters patent issued under this Act.

Prohibition of amalgamation and pooling with competitors.

13. 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.

Exception.

2. The provisions of this section shall not extend to arrangements made under section 364 of *The Railway Act*, as to interchange of traffic, running rights and the other purposes authorized by that section.

Act not to apply to existing companies.

14. Nothing in this Act shall apply to any railway company incorporated before the passing of this Act.

SCHEDULE.

NOTE.—*It is intended to add the Schedule of fees at a future stage of the Bill.*

1st Session, 11th Parliament, 9 Edward V

THE SENATE OF CANADA

BILL

QQ

An Act to provide for the incorpora
Railway Companies.

Received and read a first time,

Wednesday, 21st April, 1909.

Second reading,

Tuesday, 27th April, 1909.

Honourable Mr. D

OTTAWA
Printed by C. H. PARMELEE
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1909

1st Session, 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL RR.

An Act respecting The Brockville, Westport and North-western Railway Company.

Preamble.

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

1903, c. 88.
1905, c. 64.
1907, c. 67.

Extension of time for construction

1907, c. 67 s. 2.

1. The Brockville, Westport and North-western 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 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 the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation, within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects such portion of the said railway as then remains uncompleted.

Repeal of former limit.

2. Section 2 of chapter 67 of the statutes of 1907 is hereby repealed.

1st Session, 11th Parliament, 8-9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

RR

An Act respecting The Brockville, Westport and North-western Railway Company.

First reading,

Friday, 23rd April, 1909.

Second reading,

Wednesday, 28th April, 1909.

Honourable Mr. DERBYSHIRE.

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL SS.

An Act respecting The Quebec and New Brunswick Railway Company.

WHEREAS The Quebec and New Brunswick Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1900, c. 75. 1903, c. 176. 1908, c. 149.

1. Section 8 of chapter 75 of the statutes of 1900 is amended by substituting for the word "twenty" in the second line thereof the words "thirty-five." 1900, c. 75, s. 8 amended. Increase of bond issue.

2. Section 7 of chapter 75 of the statutes of 1900, as amended by sections 3 and 4 of chapter 149 of the statutes of 1908, is hereby further amended by adding thereto the following subsection:— S. 7 again amended.

"3. The Company may also lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on its railway authorized by chapter 75 of the statutes of 1900, at or near Connor Station in New Brunswick, to Centreville by the most convenient route in the neighbourhood of the international boundary line, thence to Woodstock, and from Woodstock by the St. John River valley to the city of St. John, passing through the counties of Madawaska, Victoria, Carleton, York, Sunbury, Queens, Kings and St. John, in the province of New Brunswick." Additional line of railway authorized.

3. The railways described in section 7 of chapter 75 of the statutes of 1900, in subsection 2 added thereto by section 4 of chapter 149 of the statutes of 1908, and in subsection 3 added thereto by section 2 of this Act, shall be deemed to be but one railway. All railways of company to be deemed one line.

4. The Company may construct and complete its railway, as defined in the last preceding section, within five years after the passing of this Act; and if the said railway is not completed and put in operation within that period, then the powers of construction conferred upon the Company by Parliament shall cease and be null and void with respect to so much of the said railway as then remains uncompleted. Extension of time for completion.

5. Section 1 of chapter 149 of the statutes of 1908 is hereby repealed. Repeal of former time limit.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

SS

An Act respecting the Quebec and New Brunswick Railway Company.

Received and read a first time,

Friday, 23rd April, 1909.

Second reading,

Wednesday, 28th April, 1909.

Honourable Mr. COSTIGAN.

OTTAWA
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1st Sess., 11th Parl ament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL TT.

An Act respecting The Montreal Bridge and Terminal Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1890, c. 93. 1891, c. 106. 1894, c. 63. 1897, c. 67. 1905, c. 127.

1. The name of The Montreal Bridge and Terminal Company hereinafter called "the Company," is hereby changed to "The Montreal Central Terminal Company;" but such change of name shall not, except as herein provided, in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing either by or in favour of or against the Company; and notwithstanding such change in the name of the Company, any such suit or proceeding may be prosecuted, continued or completed or any such judgment may be enforced as if this Act had not been passed. Change of corporate name.

2. The Company, in lieu of constructing a bridge as now authorized, may, at its option, construct, maintain, own and operate one or more tunnels for railway purposes under the River St. Lawrence from a point in the city of Montreal to a point on the south shore of the River St. Lawrence; and in case of a tunnel or tunnels being constructed as aforesaid, the Company is hereby empowered to issue its bonds, debentures or other securities for the construction of such tunnel or tunnels and approaches for the amount of six million dollars as now authorized. Tunnels authorized. Issue of securities.

3. The Company may, for the purpose of connecting with any railway reaching the south shore of the River St. Lawrence from the south or west, lay out, construct, own and operate a bridge or tunnel across or under the River St. Lawrence near Lachine. Tunnel or bridge at Lachine.

4. The Company may construct, own, maintain and operate one or more freight and passenger stations, elevators, warehouses and general freight and passenger terminal facilities in and about the city of Montreal; and may construct, own and operate such branches and sidings as may be necessary to connect the same with the Company's lines; and may also construct, main- Stations, etc. Branches to stations, etc.

Hotels, etc.

tain, own and operate one or more hotels, parks and places of amusement along its lines.

Conveyance of power, etc.

Sale, etc., thereof.

5. The Company may construct its tunnel or tunnels, subways, surface lines, and bridge or bridges so that, in addition to the operation of railways, it may convey and distribute power, heat, light, gas, air and water by conduits, wires, tubes, pipes, or otherwise, for its use, or may sell, lease or rent the use of the same or any part thereof to others.

Issue of securities on works other than tunnels and approaches.

Limit of amount.

6. The Company may, in addition to the bonds, debentures or other securities to be issued in respect of the said tunnel or tunnels mentioned in section 2 of this Act, issue bonds, debentures or other securities, from time to time, on any portion of the works there being undertaken, other than the said tunnel or tunnels and approaches; and such bonds, debentures or other securities shall be secured by a mortgage which shall be a first charge upon the said works: provided, however, that the amount of bonds, debentures or other securities so issued does not exceed the cost of the property mortgaged to secure such bonds, debentures or other securities.

Consent of Montreal city council as to passage of streets by railway lines.

7. No main line, branch line or siding of the railway constructed by the Company shall pass along, across, over or under any street in the city of Montreal without the consent of the city council of the city of Montreal, and the manner of passing across, along, over or under any street or property belonging to the city of Montreal shall be subject to the approval of the city council of the city of Montreal.

Determination of disputes.

2. In case of disagreement between the Company and the city council of the city of Montreal or any municipal council, the matters in dispute shall be determined by the Board of Railway Commissioners for Canada.

Agreements with other companies.

8. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into an agreement of agreements, with any existing or future railway company or companies or street railway company or companies whose line or railway terminates at or near the city of Montreal, granting to such company or companies the use of the passenger and freight stations of the Company and of the lines, tunnels, bridges and terminal facilities of the Company; and the said companies or any of them are hereby authorized to enter into any such agreements upon such terms as may be mutually agreed upon.

1890, c. 93, s. 3 amended.

Works authorized.

9. Section 3 of chapter 93 of the statutes of 1890 is hereby amended by adding after the word "bridge," wherever it appears in the said section, the words "or tunnel or tunnels" and after the word "connect" where it appears in the said section the words "the Company's Contract passenger station and."

Time for construction extended.

10. Notwithstanding anything to the contrary in the Acts relating to the Company, the Company may proceed with the construction of its works or any portion thereof and complete the same before the 31st December, 1914, otherwise the powers granted for the construction thereof shall cease and determine as respects so much of the work as then remains uncompleted.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

TT

An Act respecting The Montreal Bridge and Terminal Company.

Received and read a first time,
Friday, 23rd April, 1909.
Second reading,
Wednesday, 28th April, 1909.

Honourable Mr. CHOQUETTE.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL UU.

An Act respecting The Prudential Life Insurance Company of Canada.

Preamble.

1907, c. 120.

R.S., c. 34, s. 69.

WHEREAS The Prudential Life Insurance Company of Canada, incorporated by chapter 120 of the statutes of 1907, owing to unavoidable difficulties incident to the perfecting of the financial and other arrangements for the organization and carrying on of the business for which the said company was incorporated, has been unable to complete its organization so as to be entitled to a license under *The Insurance Act;* and whereas the provisional directors of the said company have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for obtaining license to do business.

R.S., c. 34, s. 69.

1. Nothwithstanding anything in section 69 of *The Insurance Act*, the special Act, chapter 120 of the statutes of 1907, incorporating The Prudential Life Insurance Company of Canada, shall be deemed not to have expired and ceased to be in force after the 27th April, 1909, but to have continued and to be in force; and the said company may at any time not later than the 27th April, 1910, obtain from the Minister of Finance, under and subject to the provisions of *The Insurance Act*, the license required by *The Insurance Act.*

Powers to cease if license not obtained.

2. If the said company has not obtained such license on the 27th April, 1910, the powers for carrying on the business of life insurance which are granted to the company by the said special Act, shall then cease and be null and void.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

UU

An Act respecting The Prudential Life Insurance Company of Canada.

Received and read a first time,

Friday, 23rd April, 1909.

Second reading,

Wednesday, 28th April, 1909.

Honourable Mr. DERBYSHIRE.

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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL VV.

An Act respecting The Canadian Patriotic Fund Association.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1901, c. 92. 1908, c. 96.

1. The affairs of The Canadian Patriotic Fund Association, hereinafter called "the Association" shall be managed by the executive committee appointed in accordance with the by-laws, rules and regulations of the Association. Executive committee.

2. Whenever it is necessary or desirable to take a vote of the members of the executive committee of the Association upon any motion, proposition or question affecting the Association, any member may vote personally or by proxy. Mode of voting.

3. In such case the secretary of the Association shall transmit by mail to each member of the executive committee a copy of the motion, proposition or question to be voted upon; and any member may thereupon transmit his authority to vote by proxy to the secretary or to any other member of the executive committee. Submission of motion, etc. Transmission of proxy.

4. The instrument appointing a proxy shall be in writing, and shall be signed by the appointor, and shall be deposited with the secretary of the Association not less than twenty-four hours before the time of holding the meeting at which the vote is to be taken. Requisites as to instrument.

5. The person appointed a proxy shall be a member of the executive committee, qualified to vote, and shall not vote unless he is present at the meeting at which the vote is taken. Requisites as to person of proxy.

6. Chapter 96 of the statutes of 1908 is hereby repealed. 1908, c. 96 repealed.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

VV

An Act respecting The Canadian Patriotic Fund Association.

Received and read a first time,

Tuesday, 27th April, 1909.

Second reading,

Thursday, 29th April, 1909.

Honourable Mr. SCOTT.

OTTAWA
Printed by C. H. PARMELEE
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL WW.

An Act to incorporate The St. Maurice and Eastern Railway Company.

Preamble.

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

Incorporation.

1. John Bourgeois, junior, of the town of Shawinigan Falls, Ralph B. McDunnough, of the city of Three Rivers, James L. Rintoul, of the city of Montreal, John A. Walls, of the city of Montreal, and Frederick P. Kaelin, of the city of Montreal, all in the province of Quebec, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The St. Maurice and Eastern Railway Company" hereinafter called "the Company."

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in the town of Shawinigan Falls, in the county of St. Maurice, in the province of Quebec.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the second Monday in September in each year.

Directors.

7. 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.

8. The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from a point on The National Transcontinental Railway, at or near the villages of St. Stanislas and St. Prosper, in the county of Champlain, thence in a westerly direction to and crossing the Batiscan River, thence in a westerly direction, through the

parishes of St. Stanislas, St. Narcisse and Mont-Carmel, all in the county of Champlain, to and crossing the St. Maurice River, thence to and through the town of Shawinigan Falls; or that part of the above mentioned line from its point of beginning to another point thereof in the said parish of Mont Carmel, and thence in a northwesterly direction to a point of crossing of the St. Maurice River, in the parish of Ste. Flore, county of St. Maurice, thence through the said parish of St. Flore, to and through the town of Shawinigan Falls.

The said line shall cross the line of The Canadian Northern Quebec Railway at or near the village of St. Stanislas, in the county of Champlain, and shall cross the line of The St. Maurice Valley Railway at or near the town of Shawinigan Falls, in the county of St. Maurice.

Powers of company.

9. The Company may, in connection with its undertaking and for the purposes of its railway business, carry on the business of carriers, forwarding and transportation agents and all other business incidental thereto or connected therewith, and also the business of wharfingers, shippers and vessel owners.

Telegraphs and telephones.

10. 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 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, or may lease its own lines to, any such companies.

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.

R.S., c. 126.

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 telegraphic business of the Company.

Issue of securities.

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

Agreements with other compan'es.

12. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with The Canadian Northern Quebec Railway Company, The Grand Trunk Pacific Railway Company, The National Transcontinental Railway Company, and the St. Maurice Valley Railway Company, or with any of the said companies, for any of the purposes specified in the said section 361.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

WW

An Act to incorporate The St. Maurice and Eastern Railway Company.

Received and read a first time,

Tuesday, 27th April, 1909.

Second reading,

Thursday, 29th April, 1909.

Honourable Mr. TESSIER.

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL XX.

An Act to incorporate The Fundy Tidal Power Company.

Preamble.

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

Incorporation.

1. John L. Weller and Welland D. Woodruff, both of the city of St. Catharines, in the province of Ontario; Frederic H. Deacon, of the city of Toronto, in the said province; Benjamin F. Pearson, of the city of Halifax, in the province of Nova Scotia; Frederick W. Sumner, John T. Hawke, and Algernon E. McSweeney, all of the city of Moncton, in the province of New Brunswick; Charles J. Osman, of Hillsborough, in the province of New Brunswick; Fred Magee, of Port Elgin, in the province of New Brunswick; and John H. Hickman, Charles S. Hickman and James Friel, all of Dorchester, in the province of New Brunswick; together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Fundy Tidal Power Company" hereinafter called "the Company."

Corporate name.

Declaratory.

2. The works authorized by this Act are hereby declared to be works for the general advantage of Canada.

Provisional directors.

3. The above named John L. Weller, Frederic H. Deacon, Benjamin F. Pearson, John F. Hawke and James Friel are hereby constituted provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be two hundred and fifty thousand dollars divided into shares of one hundred dollars each, and calls for payment of the same may be made by the directors from time to time as they deem necessary.

Head office.

5. The head office ot the Company shall be in Dorchester, in the province of New Brunswick.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the second Tuesday in July in each year at the head office of the Company, or on such other date and at such other place in Canada as may be fixed by by-law.

Directors.

7. The number of directors shall not be less than five nor more than nine.

General powers.

8. The Company may—

(*a*) develop, operate and utilize power from the tidal flow in the waters, rivers and basins of the Bay of Fundy, and supply and sell heat, light and electric or other power therefrom; and for that purpose, subject in all cases to the provisions of *The Navigable Waters Protection Act*, R.S., c. 115. construct, maintain and operate dams across the Petitcodiac River, in the province of New Brunswick, at some point or points between the city of Moncton and Fort Folly Point, and across the creeks, streams or tributaries thereof; across the Memramcook River, in the said province, at or near its entrance into Shepody Bay; across the Shepody River, in the said province; across the Tantramar, Aulac and Missiquash Rivers, in the said province, at or near their entrance into Cumberland Basin; across the La Planche, Maccan, Nappan and Hebert Rivers, in the province of Nova Scotia, and across certain portions of the head of Cumberland Basin and the tributaries thereof, and across the creeks and streams leading into said tributaries; across the Avon River, in the said province of Nova Scotia, and the various small streams, creeks and tributaries thereof; across the Shubenacadie and Stewiacke Rivers, in the said province, and their tributaries; and across the head waters of the Basin of Minas and the tributaries thereof;

(*b*) construct, maintain and operate all necessary works, dams, wing dams, canals, intakes, tail-races, channels and conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments, and devices, and erect and maintain poles and towers, and lay and maintain pipes, cables, wires or other conductors, and connect the same with similar lines;

(*c*) acquire such lands, easements, privileges, water and water rights, as may be necessary for its undertaking;

(*d*) carry on the business of a power and electric heating and lighting company, and contract with persons, firms, municipalities, or corporations, for supplying them with electricity;

(*e*) build and operate electric tramways and railways;

(*f*) treat minerals and ore by electricity;

(*g*) construct and operate telegraph and telephone lines, but on its own property only, and may transmit messages for the public over the same and collect tolls therefor;

(*h*) promote the formation of companies which may require electricity as power.

Acquisition of other like businesses, etc.

9. The Company may purchase or otherwise acquire any business within its objects, and any lands, property, franchises, privileges, rights, undertakings, contracts, powers, patents, inventions, stocks, contracts and assets within the scheme of this charter; and may, for such considerations, issue paid up and non-assessable stock shares of its capital stock, to any person or corporation, or pay therefor in debentures of the Com-

pany, or part one way and part the other, as may be agreed upon; and may sell or lease or otherwise dispose of the business, property, rights 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.

Disposal of Company's business or property.

10. The Company may enter upon any lands for examination and survey, if necessary, paying, or tendering pay for the actual damages done, if any.

Entry on lands for survey.

11. When it is necessary for the purposes of the Company that it obtain title to any lands, easements, or privileges over land, required in the construction or operation of the works hereby authorized, and the Company cannot come to an agreement with the owners or proprietors, or the owners or proprietors are unable to give title, then, and in every such case, the Company shall have power to expropriate, and the provisions of *The Railway Act* with reference to the taking and using of land, from section 172 to section 220, both inclusive, and such other parts of the said Act as may be applicable, shall apply to the Company, in so far as applicable and when not inconsistent with this Act.

Expropriation.

Proceedings. R.S., c. 37.

The word "company" in *The Railway Act*, shall, in that respect, include this Company.

The word "railway" in *The Railway Act* shall mean the works of this Company unless the context otherwise requires.

Whenever in *The Railway Act* the word "land" occurs, it shall include any right of way, privilege, or easement required by the Company for constructing or operating its works.

12. The Company shall file certified copies of the plans of any intended work authorized by this Act, and of the lands, ways, and easements required for the same, in the Department of Public Works at Ottawa and in the public works department of the province, and the registry office of the county, in which the work is to be situated, and shall give four weeks notice of such filing by publication in *The Canada Gazette*, and the Royal Gazette or official paper of the province concerned. The Company shall have no authority to proceed with the construction, erection or making of any such work until the Minister of Public Works shall have approved of the said plans. Any city, incorporated town or municipality interested, and any private owner whose property shall be affected, may be heard in opposition to the granting of such approval, or with reference to the terms and conditions upon which it shall be granted.

Certified copies of plans to be filed and approval obtained.

Notice.

Hearing parties interested.

13. The Company may borrow money, and make and issue promissory notes and bills of exchange, and may issue bonds, debentures and evidences of indebtedness of all kinds, to an amount not exceeding five million dollars, and to secure such bonds, debentures or other indebtedness, may hypothecate, mortgage or pledge the real or personal property of the Company, or both, or any part of the same. The bonds, debentures or other securities of the Company shall be issued for sums of

Borrowing.

Mortgages.

not less than one hundred dollars each, and the directors may pledge or sell the same for such amounts and at such prices as may be deemed expedient.

R.S.,c. 79, s. 141. Calls on stock.

14. Section 141 of *The Companies Act* shall not apply to the Company.

Time for construction of works limited.

15. The works hereby authorized shall be commenced within three years and completed within six years after the passing of this Act, otherwise the powers hereby granted shall cease as respects so much of the said works as may then remain uncompleted.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

XX

An Act to incorporate The Fundy Tidal Power Company.

Received and read a first time,

Wednesday, 28th April, 1909.

Second reading,

Tuesday, 4th May, 1909.

Honourable Mr. McSWEENEY.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL YY.

An Act to incorporate The Catholic Church Extension Society of Canada.

Preamble.

WHEREAS the Board of Governors of The Catholic Church Extension Society have by their petition prayed to be incorporated by the Parliament of Canada so that they may carry on business in all the provinces and territories of Canada under the control of one central body, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The Most Reverend Fergus Patrick McEvay, D.D., Toronto, Ontario; The Very Reverend Alfred E. Burke, D.D., Alberton, Prince Edward Island; The Reverend John T. Kidd, Toronto, Ontario; The Most Reverend Louis N. Begin, D.D., Quebec; The Right Reverend James C. McDonald, D.D., Charlottetown, Prince Edward Island; The Right Reverend Alfred J. Archambault, D.D., Joliette, Quebec; The Right Reverend Emile Legal, D.D., Saint Albert, Alberta; The Right Honourable Sir Charles Fitzpatrick, K.C.M.G., Chief Justice of Canada, Ottawa; The Honourable Alexandre Taschereau, LL.D., Minister of Public Works, Quebec; Mr. Justice Nicholas D. Beck of Edmonton, Alberta; M. P. Davis, Ottawa, Ontario; M. J. O'Brien, Renfrew, Ontario; Eugene O'Keefe, M. J. Haney, and G. P. Magann, Toronto, Ontario; and George Lang, Berlin, Ontario, all of them officers and members of the Board of Governors of The Catholic Church Extension Society of Canada, together with such other persons as become members of the Society hereby incorporated, are hereby constituted a corporation under the name of "The Catholic Church Extension Society of Canada," hereinafter called "the Society."

Corporate name.

Objects.

2. The objects of the Society are religious and charitable and are designed to foster, extend and diffuse the blessings of Christianity and useful knowledge, and to promote and support Christian missions and missionary schools throughout Canada.

Provisional directors.

3. The said Most Reverend Fergus Patrick McEvay, Right Reverend Alfred J. Archambault, Very Reverend Alfred E. Burke and Right Honourable Sir Charles Fitzpatrick shall be the provisional directors of the Society.

Head office.

4. The head office of the Society shall be in the city of Toronto in the province of Ontario, or in such other place in Canada as may from time to time be designated by the Society.

Branches.

Powers of branches.

5. Subject to the constitution and by-laws of the Society, provincial and territorial branches of the Society may be established subject to such conditions and with such powers as the Society may from time to time determine, provided however that such powers shall not be in excess of those conferred on the Society by this Act.

By-laws.

6. The Society may make by-laws for the guidance of its officers and members, the control and management of its funds, and generally for regulating every matter and thing proper or necessary to be done for the good of the Society and the prosecution of its object and business.

Acquisition and holding of real estate.

7. The Society may receive, take and hold real estate by purchase, gift or devise and determine by by-law the manner in which such property shall be held and conveyed, subject always to the laws of the province in which such real estate is situated.

Borrowing powers.

8. The Society may borrow money, on mortgage security of the real estate of the Society, for the purpose of purchasing real estate, for any of the purposes of the said Society, or for the purpose of erecting, furnishing or repairing any church, chapel, school, hospital, charitable institution, seminary or other building erected or to be erected and for enlarging the same, or to pay off any debt which may have been or may be incurred by the Society, and any person from whom moneys are borrowed by the Society on any mortgage security shall not be obliged to see to the application of the said moneys or any part thereof.

Lender not responsible for application of moneys borrowed.

Certificate of membership.

9. Every member of the Society shall receive a certificate of membership, on which shall be printed the conditions of such membership, and so long as such conditions are complied with, he shall enjoy all the benefits and privileges of such membership.

1st Session, 11th Parliament, 9 Edward VI

THE SENATE OF CANADA

BILL

YY

An Act to incorporate The Catholic C
Extension Society of Canada.

Received and read a first time,

Thursday, 29th April, 1909.

Second reading,

Tuesday, 4th May, 1909.

Honourable Mr. Belcou

OTTAWA
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1st Sess., 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL ZZ.

An Act to incorporate Commerce Insurance Company.

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

1. Henry John Hague, Spencer Lewin Dale Harris, Alwin Ernest Woodworth, Chillian Graves Heward and Edward Goff Trevor Penny, all of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "Commerce Insurance Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company, a majority of whom shall be a quorum 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. Provisional directors. Powers.

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

2. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent and no subsequent instalment shall exceed ten per cent and not less than thirty days notice of any call shall be given. Payment for shares.

3. 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 two million dollars: but the stock shall not be increased until a resolution of the 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 shareholders duly called for that purpose. Increase of capital stock.

Head office.

4. The head office of the Company shall be in the city of Montreal in the province of Quebec.

Agencies.

2. The directors may from time to time establish local advisory boards or agencies either in Canada or elsewhere in such manner as they deem expedient.

First meeting of shareholders.

Election of directors.

5. As soon as two hundred and fifty thousand dollars of the capital stock has 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 shares subscribed for by them shall elect a board of not less than eight or more than twenty-four directors, of whom a majority shall be a quorum.

Qualification.

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

When business may be commenced.

7. 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, and thereafter in each succeeding year, for five years, a further sum of fifteen thousand dollars shall be paid in cash upon the capital stock of the Company.

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 for under this Act.

No payment reckoned if less than ten per cent subscribed is paid in cash.

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 one hundred thousand dollars required to be paid under subsection 1 of this section.

Business of the Company.

8. The Company may make and effect contracts of insurance against loss or damage resulting from fire or lightning to real or personal property of every description, for such time and for

such premiums or considerations and under such modifications, restrictions and conditions as may be agreed upon between the Company and the insured, and may generally carry on the business of fire insurance in all its branches; the Company may also carry on, in addition to fire insurance, any or all other classes of insurance, including inland marine insurance and inland transportation insurance, for which, according to the provisions of *The Insurance Act* or of any general Acts hereafter passed relating to insurance, a license should be granted in conjunction with the license to carry on fire insurance, and the Company may from time to time vary the classes of insurance carried on by it in addition to fire insurance: Provided that nothing contained in this section shall be held to confer upon the Company the power to carry on at any particular period more classes of insurance than it could at that period be granted a license to carry on, nor to carry on in Canada any class of insurance without a license. The Company may cause itself to be reinsured either in Canada or elsewhere against any risks undertaken by it, and may reinsure any other person or company against any risks which such person or company may have undertaken; and the Company generally may do and perform all other necessary matters and things connected with and proper to promote the business of the Company.

Real property.

9. The Company may acquire, hold and dispose of any real property, in Canada or elsewhere, required wholly or in part for the use or accommodation of the Company or such as may reasonably be required for the natural expansion of its business.

Investment in foreign securities.

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

Application of R.S., c. 79.

R.S., c. 34.

11. Part II of *The Companies Act*, excepting sections 125, 141, 154, 165 and 168 thereof, shall apply to the Company in so far as it is not inconsistent with any of the provisions of *The Insurance Act* or of this Act, or of any general Act relating to insurance passed during the present session of Parliament.

Application of Insurance Act.

12. 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.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

ZZ

An Act to incorporate Commerce Insurance Company.

First reading,

Thursday, 29th April, 1909.

Second reading,

Friday, 30th April, 1909.

Honourable Mr. BÉIQUE.

OTTAWA
Printed by C. H. PARMELEE
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1909

1st Session, 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL AAA.

An Act respecting The Fidelity Life Insurance Company of Canada.

WHEREAS The Fidelity Life Insurance Company of Canada has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1907, c. 86.

1. Notwithstanding the provisions of section 69 of *The Insurance Act*, the time limited thereby for obtaining a license from the Minister of Finance authorizing The Fidelity Life Insurance Company of Canada to carry on the business of life insurance, is hereby extended for one year from the 27th day of April, 1909. Extension of time for obtaining license. R. S., c. 34, s. 69.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

AAA

An Act respecting The Fidelity Life Insurance Company of Canada.

Received and read a first time,

Tuesday, 4th May, 1909.

Second reading,

Thursday, 6th May, 1909,

Honourable Mr. JAFFRAY.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL BBB.

An Act for the relief of John Wake.

Preamble.

WHEREAS John Wake, of the town of Minnedosa, in the province of Manitoba, gentleman, has by his petition alleged, in effect, that on the fourteenth day of October, A.D. 1907, at the city of Winnipeg, in the said province, he was lawfully married to Amy Annie Renwick, then of the said town of Minnedosa; that his legal domicile was then and is now in Canada; that at the city of Denver, in the state of Colorado, one of the United States of America, on or about the eighteenth day of June, A.D. 1908, and at other times in the said month of June, she committed adultery with one Wilson; that she is now residing at the said city of Denver; 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:—

Marriage dissolved.

1. The said marriage between John Wake and Amy Annie Renwick, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Wake may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Amy Annie Renwick had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

BBB

An Act for the relief of John Wake.

Received and read a first time,

Tuesday, 4th May, 1909.

Second reading,

Tuesday, 4th May, 1909.

Honourable Mr. WATSON.

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL CCC.

An Act for the relief of Laura McQuoid.

Preamble.

WHEREAS Laura McQuoid, presently residing at the city of Toronto, in the province of Ontario, wife of William McQuoid, of the town of Colborne, in the county of Northumberland, in the province of Ontario, farmer, has by her petition alleged, in effect, that they were lawfully married on the fourteenth day of December, A.D. 1892, at the town of Cobourg, in the said county, she then being Laura Ross, spinster; that the legal domicile of the said William McQuoid was then and is now in Canada; that at the said city of Toronto, on or about the ninth day of September, 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, 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:—

Marriage dissolved.

1. The said marriage between Laura Ross and William McQuoid, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Laura Ross, may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William McQuoid had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

CCC

An Act for the relief of Laura McQuoid.

Received and read a first time,
Thursday, 6th May, 1909.
Second reading,
Thursday, 6th May, 1909.

Honourable Mr. Ross,
(Middlesex.)

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL DDD.

An Act for the relief of Fleetwood Howard Ward.

Preamble.

WHEREAS Fleetwood Howard Ward, of the city of Montreal, in the province of Quebec, gentleman, has by his petition alleged, in effect, that on the second day of April, A.D. 1904, at the city of New York, in the state of New York, one of the United States of America, he was lawfully married to Jennie May Morell, then of the said city of New York; that his legal domicile was then and is now in Canada; that, at the said city of Montreal, on or about the tenth day of July, A.D. 1908, she committed adultery with one David Cohen; 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:—

Marriage dissolved.

1. The said marriage between Fleetwood Howard Ward and Jennie May Morell, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Fleetwood Howard Ward may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Jennie May Morell had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

DDD

An Act for the relief of Fleetwood Howard Ward.

Received and read a first time,

Thursday, 6th May, 1909.

Second reading,

Thursday, 6th May, 1909.

Honourable Mr. OWENS.

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL EEE.

An Act for the relief of Aaron William Morley Campbell.

Preamble.

WHEREAS Aaron William Morley Campbell, of the town of Fort Saskatchewan, in the province of Alberta, postmaster, has by his petition alleged, in effect, that on the eleventh day of November, A.D. 1892, at the town of Battleford, then in the North-west Territories, but now in the province of Alberta, he was lawfully married to Sarah McFeeters; that she was then of the said town of Battleford, a spinster; that his legal domicile was then and is now in Canada; that at the city of Seattle, in the state of Washington, one of the United States of America, on or about the sixteenth day of September, A.D. 1903, she went through a pretended form of marriage with one John Currie, with whom since that date she has lived as the reputed wife of the said John Currie and was so living on the twenty-second day of December, A.D. 1908; and 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 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:—

Marriage dissolved.

1. The said marriage between Aaron William Morley Campbell, and Sarah McFeeters, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Aaron William Morley Campbell may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Sarah McFeeters had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

EEE

An Act for the relief of Aaron William Morley Campbell.

First reading,

Thursday, 6th May, 1909.

Second reading,

Thursday, 6th May, 1909.

Honourable Mr. TALBOT.

OTTAWA
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1st Session, 11th Parliament, 9 Edward VII. 1909.

THE SENATE OF CANADA.

BILL FFF.

An Act for the relief of John Christopher Cowan.

Preamble.

WHEREAS John Christopher Cowan, of the district of Souris, in the province of Saskatchewan, farmer, has by his petition alleged, in effect, that on the first day of October, A.D. 1906, at the town of North Portal, in the said district, he was lawfully married to Daisy McFarland; that she was then of the city of Denver, in the state of Colorado, one of the United States of America, a spinster; that his legal domicile was then and is now in Canada; that, at his residence in the said district of Souris, on or about the seventeenth day of October, A.D. 1907, she committed adultery with one Benjamin Burke, of the town of Gainsborough, in the said district, hotel-keeper; that at divers places at divers times since the twenty-second day of December, 1907, she committed adultery with other persons 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 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:—

Marriage dissolved.

1. The said marriage between John Christopher Cowan and Daisy McFarland, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Christopher Cowan may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Daisy McFarland had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

FFF

An Act for the relief of John Christopher Cowan.

Received and read a first time,

Thursday, 6th May, 1909.

Second reading,

Thursday, 6th May, 1909.

Honourable Mr. WATSON.

OTTAWA
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1909

1st Session, 11th Parliament, 9 Edward VII, 1909.

THE SENATE OF CANADA.

BILL GGG.

An Act for the relief of Annie Bowden.

Preamble.

WHEREAS Annie Bowden, presently residing at the city of Toronto, in the province of Ontario, wife of Herbert Bowden, formerly of the said city, but presently residing in the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, printer, has by her petition alleged, in effect, that they were lawfully married on the twentieth day of July, A.D. 1898, at the city of Windsor, in the province of Ontario, she then being Annie Pendrel, spinster; that the legal domicile of the said Herbert Bowden was then and is now in Canada; that at the said city of Toronto, at divers times during the latter part of the year, A.D. 1903, he committed adultery with one Bessie Smith; that on or about the first day of January, A.D. 1904, he deserted his said wife and has not since then contributed to the support of her and the child born of their marriage; 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:—

Marriage dissolved.

1. The said marriage between Annie Pendrel and Herbert Bowden, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Annie Pendrel may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Herbert Bowden had not been solemnized.

1st Session, 11th Parliament, 9 Edward VII., 1909

THE SENATE OF CANADA.

BILL

GGG

An Act for the relief of Annie Bowden.

Received and read a first time,

Saturday, 15th May, 1909.

Second reading,

Saturday, 15th May, 1909.

Honourable Mr. CAMPBELL.

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