7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 2.

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; 1912, c. 19.

**1.** Subsection two of section two hundred and thirty-five of the *Criminal Code*, as enacted by chapter nineteen of the statutes of 1912, is amended by adding thereto the following proviso:— Limit of horse racing where there is more than one race course in any city, town or county, or two or more race courses within fifty miles of one another.

"Provided that where there is more than one race course in any city, town or county, or where there are two or more race courses less than fifty miles apart, the race meetings on all the race courses in such city, town or county, or on all the race courses within fifty miles of one another, shall not exceed in number or in duration the limit prescribed in the above provisions for one race course or race track."

2.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 2.

An Act to amend the Criminal Code.

First reading, January 22, 1917.

MR. WILCOX.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 3.

An Act to amend the Criminal Code, and to abolish Capital Punishment.

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

**1.** Subsection two of section seventy-four of the *Criminal Code* is repealed and the following is substituted therefor:— R.S. c. 146, s. 74 amended.

"**2.** Every one who commits treason is guilty of an indictable offence and liable to imprisonment for life." Treason.

**2.** Section seventy-seven of the said Code is repealed and the following is substituted therefor:— S. 77 amended.

"**77.** Every subject or citizen of any foreign state or country at peace with His Majesty, who,— Levying war.

(*a*) is or continues in arms against His Majesty within Canada; or,

(*b*) commits any act of hostility therein; or,

(*c*) enters Canada with intent to levy war against His Majesty, or to commit any indictable offence therein for which any person would, in Canada, be liable to imprisonment for life; and,

every subject of His Majesty who,—

(*a*) within Canada levies war against His Majesty in company with any of the subjects or citizens of any foreign state or country at peace with His Majesty; or,

(*b*) enters Canada in company with any such subjects or citizens with intent to levy war against His Majesty or to commit any such offence therein; or,

(*c*) with intent to aid and assist, joins himself to any person who has entered Canada with intent to levy war against His Majesty, or to commit any such offence in Canada, is guilty of an indictable offence and liable to imprisonment for life."

S. 263 amended.

Murder.

**3.** Section two hundred and sixty-three of the said Code is repealed and the following is substituted therefor:—

"**263.** Every one who commits murder is guilty of an indictable offence and shall, on conviction thereof, be sentenced to imprisonment for life."

S. 299 amended.

Rape.

**4.** Section two hundred and ninety-nine of the said Code is repealed and the following is substituted therefor:—

"**299.** Every one who commits rape is guilty of an indictable offence and liable to imprisonment for life."

Capital punishment abolished.

**5.** No person shall hereafter be sentenced in Canada to suffer death, and where for any offence any person would heretofore be liable to suffer death such person shall hereafter be liable to imprisonment for life.

3.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Criminal Code, and to abolish Capital Punishment.

First reading, January 23, 1917.

MR. BICKERDIKE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 4.

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.

**1.** The *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes, 1906, is amended by inserting the following subsection immediately after subsection four of section three hundred and seven:— Bigamy.

"4A. No person formerly a resident of Canada shall be liable to be convicted for bigamy in respect of having gone through a form of marriage after obtaining a divorce in a foreign country: Provided (*a*) that such person had been a *bona fide* resident of such foreign country for at least one year before the proceedings were commenced for obtaining such divorce; (*b*) that such divorce was not granted on any false statement of facts; (*c*) that personal service of the process in such divorce proceedings was made upon the husband or wife, as the case may be, against whom the divorce was sought; and (*d*) that the second marriage did not take place for at least two years after the final decree or judgment awarding the divorce was given." Exception in case of marriage after divorce in foreign country. Conditions.

**2.** Neither of the persons who have gone through a form of marriage after they have, or one of them has, obtained a divorce in a foreign country under the conditions set out in subsection 4A and in the proviso thereto, and have thereafter cohabited together, shall be liable to any prosecution for adultery in respect of such cohabitation. Adultery. Exception on cohabitation after such divorce.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 4.

An Act to amend the Criminal Code.

First reading, January 23, 1917.

MR. PUGSLEY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 5.

An Act respecting The Guardian Accident and Guarantee Company and to change its name to "The Guardian Insurance Company of Canada."

WHEREAS The Guardian Accident and Guarantee 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:— 1911, c. 86.

**1.** The name of The Guardian Accident and Guarantee Company, hereinafter called "the Company," is hereby changed to "The Guardian Insurance Company of Canada," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any way 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. Rights saved.

**2.** Section seven of chapter eighty-six of the statutes of 1911, is repealed and the following is substituted therefor:— Business authorized.

"**7.** The Company may make contracts of insurance of any of the following classes of insurance:—

(*a*) accident insurance;
(*b*) sickness insurance;
(*c*) burglary insurance;
(*d*) guarantee insurance (other than guaranteeing the sufficiency or repayment of any mortgage, debenture or other security for any loan);
(*e*) plate glass insurance;
(*f*) automobile insurance;
(*g*) fire insurance.

**3.** The Company shall not commence the business of fire insurance until the amount paid upon its capital stock Commencement of fire insurance business

has been increased to at least three hundred thousand dollars and unless its assets exceed its liabilities, including the total of the unearned premiums upon all its outstanding unmatured policies, calculated *pro rata* for the time unexpired and excluding capital stock, by at least three hundred thousand dollars.

Increase of capital after issue of fire insurance license.

2. Within five years from the date of the issue of a license for fire insurance the amount paid upon the Company's capital stock shall be increased to at least three hundred and seventy-five thousand dollars, by payments amounting in any one year to not less than fifteen thousand dollars, or such that taken together with previous payments made under this subsection would amount to not less than an annual payment of fifteen thousand dollars.

5.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act respecting The Guardian Accident and Guarantee Company and to change its name to "The Guardian Insurance Company of Canada."

First reading, January 25, 1917.

(PRIVATE BILL.)

MR. ACHIM.

OTTAWA

Printed by J. DE L. TACHÉ

Printer to the King's most Excellent Majesty

1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 6.

## An Act respecting The Athabaska Northern Railway Company.

WHEREAS The Athabaska Northern Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1905, c. 57; 1907, c. 62; 1909, c. 46; 1911, c. 36; 1913, c. 65; 1915, c. 31.

**1.** The Athabaska Northern Railway Company may commence the construction of its railway from the city of Edmonton, in the province of Alberta, northerly to a point at or near Athabaska Landing on the Athabaska river, as authorized by section eight of chapter fifty-seven of the statutes of 1905, 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. Extension of time for construction.

**2.** Section one of chapter thirty-one of the statutes of 1915 is repealed. Repeal.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 6.

An Act respecting The Athabaska Northern Railway Company.

First reading, January 25, 1917.

(PRIVATE BILL.)

MR. BENNETT
(Calgary).

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12tu Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 7.

*(Reprinted as amended by the Select Standing Committee on Miscellaneous Private Bills.)*

An Act respecting The Continental Heat and Light Company.

WHEREAS The Continental Heat and Light 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. 72.

**1.** The following section is inserted immediately after section seven of chapter seventy-two of the statutes of 1897:— Additional powers.

"7A. The Company may—

(*a*) carry on any business, whether manufacturing or otherwise, which may seem to the Company capable of being conveniently carried on or calculated directly or indirectly to enhance the value of the Company's properties or rights; Carry on any business.

(*b*) purchase or otherwise acquire, hold, lease, sell or otherwise dispose of all kinds of property, movable or immovable, rights or privileges necessary or useful for any of the objects or purposes of the Company; Purchase and sell property and rights.

(*c*) enter into any partnership or arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person or company now or hereafter carrying on or engaged in any business or transaction which this Company is authorized to carry on or engage in; Partnerships and arrangements.

(*d*) enter into any arrangements with any governments or authorities, supreme, municipal, local or otherwise, that may seem conducive to the Company's objects or any of them; and obtain from any such government or authority any rights, privileges and concessions which it may be desirable to obtain; to carry out, exercise and Arrangements with government or municipal authorities.

comply with or sell and dispose of any such arrangements, rights, privileges and concessions;

Aid to other companies, agency and guarantee.

(*e*) raise and assist in raising money for, and to aid by way of bonus, loan, promise, endorsement, guarantee or otherwise any corporation, in the capital stock of which the Company holds shares or with which it may have business relations, and to act as employee, agent or manager of any such corporation or to guarantee the performance of contracts by any such corporation or by any person or persons with which the Company may have business relations;

Sale of property and assets of company.

(*f*) sell, lease or otherwise dispose of the property and assets of the Company or any part thereof for such consideration as the Company may deem fit, including shares, debentures or securities of any company;

Amalgamation.

(*g*) amalgamate in the manner herein provided with any other company having objects similar to those of this Company and enter into all contracts and agreements necessary to such amalgamation;

Distribution.

(*h*) distribute among the shareholders of the Company from time to time any specie, shares, bonds, debentures, securities and other property belonging to the Company;

General.

(*i*) do all acts and exercise all powers incidental to the due carrying out of the objects for which the Company is incorporated and necessary to enable the Company to profitably carry on its undertaking."

Joint agreement between companies proposing to amalgamate.

**2.** (1) The company and any company with which it is proposed to amalgamate may enter into a joint agreement for the amalgamation, prescribing the terms and conditions thereof, the mode of carrying the same into effect, and stating the name of the amalgamated company, and such other details as may be necessary to perfect the amalgamation and to provide for the subsequent management and working of the amalgamated company.

Submission to shareholders or members of each company.

(2) The agreement shall be submitted to the shareholders or members of each of the companies at a general meeting thereof, called for the purpose of taking the same into consideration.

Consideration of agreement and certificate of adoption.

(3) At such meetings of shareholders or members the agreement shall be considered, and if two-thirds of the votes of all the shareholders or members of each of such companies are for the adoption of the agreement, that fact shall be certified upon the agreement by the secretary of each of such companies under the corporate seal thereof.

Application for confirmation of certificate.

(4) Upon such agreement being so approved and duly executed it shall be submitted to the Board of Railway Commissioners for Canada with an application for a certificate confirming the agreement.

(5) Notice of the proposed application for such certificate shall be published in the *Canada Gazette* for at least one month prior to the time, to be stated therein, for the making of such application, and also, unless the said Board otherwise orders, once a week for a like period in one newspaper at the place where the head office of each of the amalgamating companies is situated. Notice.

(6) Upon such notice being given the said Board shall grant or refuse such application, and upon granting the same shall issue a certificate confirming the agreement, and on and from the date of the certificate the companies shall be deemed and taken to be amalgamated and to form one company by the name in the certificate provided, and the company so incorporated shall possess all the property, rights, and privileges, and be subject to all the liabilities, contracts, disabilities and duties, of each of the companies so amalgamated. Issue of certificate.

(7) All rights of creditors against the property, rights and assets of a company amalgamated under the provisions of this section and all liens upon its property, rights and assets shall be unimpaired by such amalgamation; and all debts, contracts, liabilities and duties of such companies shall thenceforth attach to the amalgamated company and may be enforced against it to the same extent as if such debts, contracts, liabilities and duties had been incurred or contracted by it. Rights of creditors preserved.

**3.** Subsection (g) of section eight of the said Act is hereby repealed and the following substituted therefor:— Board may order wires underground.

"Whenever any city, town or incorporated village is desirous of having the Company's lines for the transmission of light, heat, power or electricity, placed under ground, the Board of Railway Commissioners for Canada may, on the application of such city, town or incorporated village, and on such terms and conditions as the Board may prescribe, require the Company to place its lines or wires under ground, and abrogate the right given by this Act to carry lines on poles in such city, town or incorporated village."

**4.** (1) Nothing in this Act, or in chapter seventy-two of the statutes of 1897 shall authorize the Company to construct or operate any lines for the purpose of distributing electricity for lighting, heating or motor purposes upon, along or across any highway, street or public place, without first obtaining the consent, expressed by by-law of the municipality having jurisdiction over such highway, street or public place, or, if there is no such municipality, then without first obtaining the consent of the authority having jurisdiction over such highway, street or public place, and Consent of municipalities for lines upon highways, etc.

upon terms to be agreed upon with such municipality, or other such authority.

Leave of Board.

(2) If the Company cannot, in respect of any such line, obtain such consent from such municipality, or cannot obtain such consent otherwise than subject to terms and conditions not acceptable to the Company, the Company may apply to the Board of Railway Commissioners for Canada for leave to exercise such powers, and upon such application shall submit to the said Board a plan of such highway, street or other public place showing the proposed location of such lines, wires and poles.

Powers of Board.

(3) The said Board may refuse or may grant such application in whole or in part, and may change or fix the route of such lines, wires or poles, and may by order impose any terms, conditions or limitations in respect of the application which it deems expedient, having due regard to all proper interests.

Exercise of powers.

(4) Upon such order being made, and subject to any terms imposed by the said Board, the Company may exercise such powers in accordance with such order, and shall in the performance and execution thereof, or in the repairing, renewing or maintaining of such lines, wires or poles, conform to and be subject to the provisions of section eight of chapter seventy-two of the statutes of 1897, as amended by this Act, except in so far as the said provisions are expressly varied by order of the said Board.

Sale of light and power.

(5) Nothing contained in this Act or in chapter seventy-two of the statutes of 1897 shall be deemed to authorize the Company to exercise the powers therein mentioned for the purpose of selling or distributing light, heat, power or electricity in cities, towns or villages, without the Company having first obtained consent therefor by a by-law of the municipality.

Disputes to be decided by Railway Commission.

**5.** (1) In case of any dispute or difference as to the price to be charged by the Company for power or electrical or other energy to be supplied for any of the purposes mentioned in this Act, or in chapter seventy-two of the statutes of 1897, or as to the methods of distribution thereof, or as to the time within which it shall be furnished, or as to the quantity to be purchased, or as to 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 or electrical or other energy produced or transmitted by the Company, or upon the application of the Company.

Prices, terms and conditions to be fixed by Board.

(2) The said Board, on the application of any such person or municipality or of the Company shall fix from time to time, for periods not to extend over five years, the

prices, terms and conditions at and upon which the Company shall furnish or supply power or electrical or other energy for any of the purposes mentioned in this Act or in chapter seventy-two of the statutes of 1897.

(3) The provisions of this section shall not apply to contracts existing at the date of this Act. Limitation of application.

**6.** Section nine of the said Act is hereby repealed and the following is enacted in lieu thereof:— Borrowing powers, issue of bonds, etc.

"**9.** If authorized by by-law, sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the Company represented at a general meeting duly called for considering the by-law, the directors may from time to time,

(*a*) borrow money upon the credit of the company;

(*b*) limit or increase the amount to be borrowed;

(*c*) issue bonds, debentures, debenture stock or other securities of the Company and pledge or sell the same for such sums and at such prices as may be deemed expedient;

(*d*) hypothecate, mortgage or pledge the real or personal property of the Company or both to secure any such bonds, debentures, debenture stock or other securities, and any money borrowed for the purposes of the Company.

Nothing in this section contained shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Company." Bills and notes.

**7.** Sections thirteen to twenty both inclusive of the said Act are hereby repealed. Debenture stock.

**8.** Section twenty-two of the said Act is repealed and the following section is substituted therefor:— Amount of calls, limited liability, use of funds, excepted.

"**22.** Part II of the *Companies Act*, except sections one hundred and forty-one, and one hundred and sixty-five, shall apply to the Company."

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 7.

An Act respecting The Continental Heat and Light Company.

(*Reprinted as amended by the Select Standing Committee on Miscellaneous Private Bills.*)

(PRIVATE BILL.)

SIR HEBBERT AMES.

OTTAWA
Printed by J. DE L. TACHÉ
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1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 8.

An Act to incorporate The Bishop of Mackenzie River.

Preamble.

WHEREAS the diocese of Mackenzie River is a missionary diocese of the Church of England in Canada contained within the Ecclesiastical Province of Rupert's Land and extends over part of the civil province of Alberta and part of the Northwest Territories of Canada, and was formed by subdivision out of the original diocese of Athabasca in said Ecclesiastical Province; and whereas the Right Reverend James Richard Lucas was consecrated and appointed bishop of the said diocese of Mackenzie River in succession to the Right Reverend William Day Reeve, being the first bishop of the said diocese, and to the Right Reverend William Carpenter Bompas as bishop of the original diocese of Athabasca; and whereas divers lands situate within the said diocese have been granted to the former incumbents of the said bishoprics of Athabasca and Mackenzie River and to the present incumbent for various purposes in connection with the said church of the said diocese, and also divers lands and moneys are held by the said bishop in trust for various missions of the said church within the said diocese; and whereas no synod of the clergy and laity therein in accordance with the practice of the Church of England in Canada has as yet been convened or organized and the bishop of the said diocese has never been constituted a corporation sole; and whereas it is the intention to make provision for the management and control of the property, affairs and interests of the said church in matters relating to and affecting only the said church and the officers and members thereof and in respect of the premises, and to incorporate the bishop of the said diocese as a corporation sole; 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.** The Right Reverend James Richard Lucas, Bishop of the said diocese of Mackenzie River, and his successors in office, are hereby incorporated for the purposes mentioned in the preamble, under the name of "The Bishop of Mackenzie River," hereinafter called" the Corporation," with all the powers and privileges contained in section thirty of chapter one of the Revised Statutes of Canada, 1906.

Power to hold real and other property.

**2.** The Corporation may receive and hold property of any kind for the uses and purposes of the Church of England in Canada, in the said diocese of Mackenzie River, including the uses and purposes of any parish, mission, institution, college, school, or hospital, now or hereafter connected with the Church of England in Canada, and may receive any devise by will, gift, and conveyance of land or any estate or interest therein, and may sell, alienate, mortgage, or lease any lands, tenements and hereditaments held by it, whether by way of investment for the uses and purposes hereinbefore mentioned or not:

Limit of value.

Provided that the annual revenue of the real estate held by the Corporation shall not at any one time exceed the sum of forty thousand dollars; and provided also, that any

Mortmain laws.

devise of real estate to the Corporation shall be subject to the laws respecting devises of real estate to religious corporations in force at the time of such devise in the province or territory in which such real estate is situated.

Investments.

**3.** The Corporation may invest its funds and moneys in:—

Government securities.

(*a*) Government securities of the United Kingdom or of Canada, or of any province of Canada, or in the stocks, funds, bonds or debentures of the Government of India, or of any of the colonies of Great Britain, or—

Debentures, mortgages, etc.

(*b*) the debentures, debenture stock, mortgages or securities of any corporation or company in the United Kingdom, or in any of the said colonies; provided such corporation or company is incorporated by Act of Parliament or charter, or is authorized by any such government, and has for the three years last preceding paid dividends on the ordinary stock, or—

Lands.

(*c*) in the purchase of freehold lands; or—

Mortgages.

(*d*) in the first mortgages on freehold property in Canada;

And for the purposes of such investments may take mortgages or assignments thereof, whether such mortgages or assignments be made directly to the Corporation in

its own corporate name, or to some company or person in trust for it, and may sell and assign the same.

Executive Committee.

**4.** The Corporation may exercise all its powers by and through an executive committee, or such boards or committees as the bishop may from time to time appoint for the management of any of the affairs of the said bishopric, but in accordance only with the trusts relating to any property upon or for which the same is held.

Execution of documents.

**5.** Instruments executed by the Corporation shall be verified by the signature of the Bishop of Mackenzie River or of his commissary for the purpose by him in writing appointed.

Lands conveyed in certain deeds, letters patent, etc., vested in corporation.

**6.** All deeds, conveyances and letters patent heretofore made to the late Right Reverend William Carpenter Bompas or to the Right Reverend Arthur Day Reeve, or to the said the Right Reverend James Richard Lucas, purporting to convey lands within the territorial limits of the said present diocese of Mackenzie River, or any interest therein, to any of them and his successors as such Bishop of Mackenzie River, shall be as valid and effectual, for the purpose of vesting the same in the Corporation by this Act created, as if such Corporation has been created and in existence at the time at which such deeds, conveyances and letters patent were made.

Transfer of property held in trust.

**7.** The Corporation may transfer any property held in trust by it for any eleemosynary, ecclesiastical or educational use of the Church of England in Canada in the diocese of Mackenzie River, or for any of the purposes herein set forth, to the synod of the diocese of Mackenzie River, when incorporated, to be held by the said synod in trust for the same uses and purposes.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 8.

An Act to incorporate The Bishop of Mackenzie River.

First reading, January 25, 1917.

(PRIVATE BILL.)

MR. BENNETT
(Calgary).

OTTAWA
Printed by J. DE L. TACHÈ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 9.

## An Act respecting The Lachine, Jacques Cartier and Maisonneuve Railway Company.

WHEREAS The Lachine, Jacques Cartier and Maisonneuve 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:— 1911, c. 104; 1914, c. 93. Que. 1909, c. 99.

**1.** The Lachine, Jacques Cartier and Maisonneuve Railway Company may, within two years after the passing of this Act, proceed with the construction of the railway authorized by chapter ninety-nine of the statutes of Quebec, 1909, which railway was declared by section one of chapter one hundred and four of the statutes of 1911, to be a work for the general advantage of Canada, namely:— Extension of time for construction.

> "From a point in the town, or in the parish of Lachine, to a point in Hochelaga ward of the city of Montreal, or in the town of Maisonneuve, passing in rear of the mountain of Montreal, with power to extend such line or lines of railway from the starting point to Dorval, on one side, and to the northern end of the island of Montreal on the other;"

and may expend thereon such sum as with that already expended shall be equivalent to fifteen per cent of the amount of the capital stock of the said Company; and may, within five years after the passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the construction of the said railway is not proceeded with and such expenditure is not so made, or if the said railway is not so completed and put in operation, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

**2.** Section one of chapter ninety-three of the statutes of 1914 is repealed. Repeal.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 9.

An Act respecting The Lachine, Jacques Cartier and Maisonneuve Railway Company.

First reading, January 25, 1917.

(PRIVATE BILL.)

MR. BICKERDIKE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917.

THE HOUSE OF COMMONS OF CANADA.

# BILL 10.

An Act to incorporate The Grand Lodge of the Canadian Association of Stationary Engineers of the Dominion of Canada.

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

**1.** Robert Dyson, of the city of Guelph, John Hale and Alfred W. Heath, both of the city of Hamilton, Rodger F. Gofton, of the city of Kitchener, William Cooke, of the city of Belleville, John W. Beasley, of the city of Chatham, all in the province of Ontario, and William G. Forbes, of the city of Montreal, in the province of Quebec, practising stationary engineers, together with such other persons as become members of the association, are hereby incorporated under the name of "The Grand Lodge of the Canadian Association of Stationary Engineers of the Dominion of Canada," hereinafter called "the Association." Incorporation. Corporate name.

**2.** The persons named in section one of this Act shall be the executive officers of the Association and shall hold office until their successors are elected. Executive officers.

**3.** The head-office of the Association shall be in the city of Hamilton, in the province of Ontario. Head office.

**4.** The affairs and business of the Association shall be managed by a representative body to be known as "The Grand Lodge," consisting of not less than seven nor more than fifteen members, who shall be elected annually in such manner as is determined by by-law of the Association. Governing body.

**5.** The executive officers, and such officers as are designated by the by-laws of the Association, shall be elected from delegates appointed to Grand Lodge Convention. Election of officers.

Branches.

**6.** Subject to the constitution and by-laws of the Association, branches under the name of "Lodges," subordinate to the Grand Lodge of the Association, may be established in Canada under the title or number designated in the charter granted by the Grand Lodge of the Association when constituting such branches, with such powers as the Association may determine by by-law: Provided, however, that such powers shall not be in excess of those conferred on the Association by this Act.

Rules and by-laws.

**7.** The Association may make such rules and by-laws for the government and management of its business and affairs and for the guidance of its officers and members, and especially with respect to the qualification, classification, admission and expulsion of members, the fees and dues which it may deem advisable to impose, the control and management of its funds, the number of members composing the Grand Lodge, and the number, constitution, powers and duties of an executive committee, board of trustees or managing committee, and of its officers, and generally for regulating every matter and thing proper and necessary to be done for the good of the Association and for the carrying out of the objects and purposes of this Act.

Objects and purposes.

**8.** The objects and purposes of the Association shall be to promote by all lawful means the efficient operation of steam power plants, and for the said purposes:—

(*a*) To serve as a school of instruction for its members;

(*b*) To hold meetings for discussing theoretical and practical matters pertaining to its calling;

(*c*) To examine stationary engineers and firemen as to their proficiency, and to grant graded certificates of ability to its members, and to be a medium through which steam users may be supplied with good and reliable engineers, and to grant relief to its members in cases of sickness or distress.

Membership.

**9.** All members in good standing of existing institutes incorporated under provincial Acts, and of associations who apply for membership after the passing of this Act, and other persons of whose qualifications and fitness the Association approves, shall be eligible for membership in the Association.

General meetings.

**10.** The first general meeting of the Association shall be held during the year 1917 at such time and place and upon such notice as the Association may decide. Subsequent general meetings shall be held annually as the by-laws of the Association may provide.

**11.** At any general or special meeting members may be represented and vote by proxy, but no such proxy shall be exercised by a person who is not a member of the Association and in good standing. Proxies.

**12.** The Association, in general or special meetings assembled, may make by-laws for carrying out the objects and exercising the powers conferred upon it by this Act. By-laws.

**13.** The Association may affiliate with any association or corporation having the same or similar objects. Affiliation.

**14.** Subject to provincial laws, the Association or any branch thereof may acquire by devise, bequest, purchase, gift or lease, real property, not exceeding in the aggregate the value of one hundred thousand dollars. The Association shall, within ten years after its acquisition of any real estate, sell or otherwise dispose of and alienate so much thereof as is not required for the use and occupation of the Association. Real estate.

**15.** If any subordinate lodge or member of the Association ceases for any cause whatever to be a member of the Association, it or he shall not, nor shall its or his representative have any claim against the funds and property of the Association. No retiring claims.

**16.** The Association shall acquire and take over all existing business and rights held and enjoyed by and be subject to all the obligations and liabilities of The Canadian Association of Stationary Engineers, incorporated under the provisions of the Revised Statutes of Ontario, 1877, chapter one hundred and sixty-seven, *An Act respecting Benevolent, Provident, and other Societies*, and except in so far as it may be necessary for the purposes of such transfer, the powers and authority vested in the Association under the provisions of this Act shall not be exercised or become effective until all the business and rights held and enjoyed by the said The Canadian Association of Stationary Engineers have been transferred to the Association and evidence of such transfer satisfactory to the Secretary of State of Canada has been filed with the said Secretary of State. Power to acquire provincial society.

7th Session, 12th Parliament, 7 George V., 1917.

THE HOUSE OF COMMONS OF CANADA.

# BILL 10.

An Act to incorporate The Grand Lodge of the Canadian Association of Stationary Engineers of the Dominion of Canada.

First reading, January 25, 1917.

(PRIVATE BILL.)

Mr. Fripp.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 11.

An Act respecting The Canadian Order of the Woodmen of the World.

WHEREAS The Canadian Order of the Woodmen of the World, hereinafter called "the Order," has by its petition prayed that it be enacted as hereinafter set 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:— 1893, c. 92; 1903, c. 206.

Reserve fund.

**1.** Section seven of chapter ninety-two of the statutes of 1893 is repealed and the following is substituted therefor:

"**7.** The moneys accumulated in the fund known as the emergency fund may be placed to the credit of the reserve fund of the Order, or among the moneys paid to the Order on account of and for insurance."

Date of annual meeting.

**2.** Section twelve of the said Act, as amended by section two of chapter two hundred and six of the statutes of 1903, is further amended by striking out the word "March" and substituting therefor the word "June."

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 11.

An Act respecting The Canadian Order of the Woodmen of the World.

First reading, January 25, 1917.

(PRIVATE BILL.)

MR. GLASS.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 12.

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; 1909, c. 11; 1914, cc. 27, 28.

**1.** *The Dominion Lands Act*, chapter twenty of the statutes of Canada, 1908, is amended by inserting immediately after section thirty thereof the following section:— Power to issue letters patent where requirements complied with except as to moneys due on pre-emption or purchased homestead.

"**30A.** The Minister may issue letters patent to any entrant for a pre-emption or to any entrant for a purchased homestead who has complied with the requirements of section twenty-seven or section twenty-eight of this Act, as the case may be, except as to the payment of moneys due in respect of the said pre-emption or purchased homestead. The said letters patent shall be issued pursuant to regulations to be made by the Governor in Council, and the lands patented under this section shall remain charged with the moneys due to the Crown until satisfied according to law."

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 12.

An Act to amend The Dominion Lands Act.

First reading, January 26, 1917.

MR. MCCRANEY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 13.

## An Act to consolidate and amend the Railway Act.

SHORT TITLE, s. 1.

INTERPRETATION, ss. 2–4.
Definitions, s. 2.
Construing with Special Acts, ss. 3, 4.

APPLICATION OF ACT, ss. 5–8.

BOARD OF COMMISSIONERS, ss. 9–71.
Constitution, ss. 9–16.
Offices, s. 17.
Sittings and Disposal of Business, ss. 18–20.
Experts, s. 21.
Secretary, ss. 22–24.
Staff, s. 25.
Salaries and Payments, ss. 26–29.
Franking Privilege, s. 30.
Annual Report, s. 31.
General Jurisdiction and Powers, ss. 32–44.
Orders and Decisions, ss. 45–50.
Review and Appeal, ss. 51, 52.
Practice and Procedure, s. 53.
Notice and Service, ss. 54–59.
Amending Proceedings, s. 60.
Costs, s. 61.
Witnesses and Evidence, ss. 62–68.
Inquiries, ss. 69, 70.
Inspecting Engineers, s. 71.

RAILWAY COMPANIES, ss. 72–161.
Incorporation, s. 72.
Offices, s. 73.
Provisional Directors, ss. 74, 75.
Capital, ss. 76–78.
Shares, ss. 79–96.
Meetings of Shareholders, ss. 97–104.
President and Directors, ss. 105–120.
Calls, ss. 121–126.
Dividends and Interest, ss. 127–131.
Bonds, Mortgages and Borrowing Powers, ss. 132–145.
Regulation of Stock and Bond Issues, s. 146.
Contracts Respecting Rolling Stock, s. 147.
Purchase of Railway Securities, s. 148.
Disposing of Lands Obtained as Subsidy, etc., ss. 149, 150.
Purchase of Railway by Person without Corporate Power to Operate, s. 151.
Agreements for Sale, Lease and Amalgamation, ss. 152–154.
Agreements for Interchange of Traffic and Running Rights, s. 155.
Insolvent Companies, ss. 156–160.
Sale of Subsidized Railways not Kept in Repair, s. 161.

POWERS—CONSTRUCTION OF RAILWAYS, ss. 162–167.
Limitation of Time for Constructing, s. 162.
General Powers, ss. 163–166.
Commencement of Works, s. 167.

LOCATION OF LINE, ss. 168–189.
Approval of Board, s. 168.
Plan, Profile and Book of Reference, ss. 169, 170.
Sanction of Board, ss. 171, 172.
Deposit of Plans, etc., after Sanction, s. 173.
Errors, ss. 174, 175.
Deposit of Plans of Completed Railway, s. 176.
Duties of Registrars of Deeds, s. 177.
Board May Require Further Plans, etc., s. 178.
Deviations, Changes and Removal, ss. 179, 180.
Branch Lines, ss. 181–185.
Industrial Spurs, ss. 186–188.
Stations, s. 189.

THE TAKING AND USING OF LANDS, ss. 190–215.
Restrictions—Crown Lands, s. 190.
Public Beach and Waters, s. 191.
Naval and Military Lands, s. 192.
Indian Lands, s. 193.
Other Railways, s. 194.
Mines and Minerals, ss. 195–199.
Extent of Land that May be Taken Without Consent, s. 200.
Leave to Take Additional Lands, s. 201.
Using Lands for Special Purposes, ss. 202–204.
Purchase and Conveyance, ss. 205–213.
Publishing Notice of Plans and Making Agreements, ss. 214, 215.

EXPROPRIATION PROCEEDINGS, ss. 216–244.
Notice, ss. 216–219.
Arbitrator, ss. 220, 221.
Determining Compensation, ss. 222, 223.
Costs of Arbitration, s. 224.
Proceedings of Arbitrator, ss. 225–228.
Preventing Delay, ss. 229, 230.
Impeaching Award, ss. 231, 232.
Appeal from Award, s. 233.
Paying Money into Court, etc., 234–238.
Right of Company to Take Possession, s. 239.
Proceedings in Case of Resistance, ss. 240–243.
Procedure, s. 244.

MATTERS INCIDENTAL TO CONSTRUCTION, ss. 245–277.
Respecting Wages, s. 245.
Respecting Navigable Waters, ss. 246–249.
Bridges, Tunnels and Other Structures, ss. 250–252.
Crossings and Junctions with Other Railways, ss. 253–255.
Highway Crossings, ss. 256–269.
Drainage, and Power, Mining and Irrigation Works, ss. 270–273.
Farm Crossings, ss. 274, 275.
Fences, Gates and Cattle-Guards, s. 276.
Gates to be Kept Closed, s. 277.

OPENING RAILWAY FOR TRAFFIC, ss. 278–279.
Inspection and Leave of Board, s. 278.
Board May Order Road to be Opened, s. 279.

SAFETY AND CARE OF ROADWAY, ss. 280–286.
Animals not to be at Large near Highway Crossings, s. 280.
Thistles and Weeds to be Kept Cut, s. 281.
Dry Grass to be Removed, s. 282.
Fire Protection, s. 283.
Packing, s. 284.
Board May Direct Inspection and Order Repairs, s. 285.
Inspecting Engineer May Forbid Operation, s. 286.
See also ss. 276, 277, 289.

ACCIDENTS, ss. 287, 288.
Notice to be Sent to Board, s. 287.
Board May Direct Inquiry, s. 288.

OPERATION AND EQUIPMENT, ss. 289–312.
Orders and Regulations of Board, ss. 289, 290.
By-laws, Rules and Regulations of Company, ss. 291–298.
Equipment of Cars and Locomotives, ss. 299–302.
Running of Trains, ss. 303–305.
Precautions at Swing Bridges, s. 306.
Precautions at Railway Crossings, ss. 307, 308.
Precautions at Highway Crossings and in Thickly Peopled Places, ss. 309–311.
Respecting Obstruction of Highway Traffic, s. 312.

TRAFFIC, TOLLS AND TARIFFS, ss. 313–359.
Accommodation for Traffic, ss. 313, 314.
Equality as to Tolls and Facilities, ss. 315–321.
Freight Classification, s. 322.
Tariffs—General Provisions, ss. 323–327.
Freight Tariffs, ss. 328–332.
Passenger Tariffs, ss. 333–335.
Joint Tariffs, ss. 336–341.

TRAFFIC, TOLLS AND TARIFFS—*Concluded.*
Posting of Tariffs, s. 342.
Presumption as to Legal Tolls, s. 343.
Special Rates for Specific Shipments, s. 344.
Reduced Rates and Free Transportation, ss. 345, 346.
Contracts, etc., Limiting Carriers' Liability, s. 347.
Carrying Dangerous Commodities, ss. 348, 349.
Carrying His Majesty's Mail and Forces, s. 350.
Checking Passengers' Baggage, s. 351.
Passenger Employees to Wear Badges, s. 352.
Passengers Refusing to Pay Fare, s. 353.
Collection of Tolls, ss. 354–356.
Refund of Tolls, s. 357.
Traffic by Water, s. 358.
Tolls and Traffic on Bridges and Tunnels, s. 359.

EXPRESS BUSINESS, ss. 360–366.
Express Tolls and Tariffs, ss. 360–363.
Board May Define Carriage by Express, s. 364.
Contracts Limiting Liability of Express Companies, s. 365.
Returns by Companies Charging Express Tolls, s. 366.

TELEGRAPHS, TELEPHONES, POWER AND ELECTRICITY, ss. 367–378.
Telegraphs and Telephones on Railway for Railway Purposes, s. 367.
Special Powers of Railway Companies, ss. 368–370.
Telephone Connection with Railway Stations, s. 371.
Putting Wires Across Railways and Other Wires, s. 372.
Putting Lines or Wires Across or Along Highways, etc., s. 373.
Price and Supply of Certain Power, s. 374.
Provisions Governing Telegraphs and Telephones, s. 375.
Marine Electric Telegraphs or Cables, s. 376.
Government Use and Construction of Telegraphs and Telephones, ss. 377, 378.

STATISTICS AND RETURNS, ss. 379–384.
To the Minister, ss. 379–383.
To the Board, s. 384.

ACTIONS FOR DAMAGES, ss. 385–391.
Breach of Duty Under Act, s. 385.
Cattle Getting on Railway, s. 386.
Fires From Locomotives, s. 387.
Failure to Properly Equip Trains, s. 388.
Infraction of Orders Respecting Tolls, s. 389.
Injuries on Platform, Baggage and Freight Cars, s. 390.
Limitation and Defences, s. 391.
See also ss. 313 (7) (8), 347.

OFFENCES, PENALTIES AND OTHER LIABILITY, ss. 392–448.
Disobeying Orders of Board, s. 392.
Obstructing Inspecting Engineers, ss. 393.
Stock and Bond Issues, s. 394.
Purchase of Railway Securities, s. 395.
Schemes of Arrangement with Creditors, s. 396.
Filing and Registry, ss. 397, 398.
Removing Industrial Spurs, s. 399.
Examining Mine Workings, s. 400.
Matters Incidental to Construction, ss. 401–405.
Opening Railway for Traffic, s. 406.
Safety and Care of Roadway, etc., ss. 407–412.
Notification of Accidents, s. 413.
Operation and Equipment, s. 414–423.
Intoxication of Employees, ss. 424, 425.
Traffic, Tolls and Tariffs, ss. 426–435.
Express Business, s. 436.
Statistics and Returns, ss. 437–441.
Railway Constables Failing in Duty, s. 442.
Various Offences, s. 443.
Penalties not Otherwise Provided, s. 444.
Continuing Offences, s. 445.
Company Liable for Acts of its Officers and Agents, s. 446.
Penalties Constitute a Charge, s. 447.
Procedure, s. 448.

RAILWAY CONSTABLES, ss. 449–455.
Appointment, s. 449.
Territorial Limits and Powers, ss. 450, 451.
Dismissal, s. 452.
Records and Evidence Respecting Appointment and Dismissal, ss. 453–455.

MISCELLANEOUS, ss. 456–460.
Sunday Observance, s. 456.
Ascertaining Grand Trunk Pacific Railway Earnings, s. 457.
Regulations and Orders of the Railway Committee of the Privy Council, ss. 458–460.

REPEAL, s. 461.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 13.

An Act to consolidate and 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:—

SHORT TITLE.

**1.** This Act may be cited as *The Railway Act*. R. S., c. 37, s. 1. Short title.

INTERPRETATION.

*Definitions.*

**2.** In this Act, and in any Special Act as hereinafter defined, in so far as this Act applies, unless the context otherwise requires,— Definitions.

(1) "Board" means the Board of Railway Commissioners for Canada; "Board."

(2) "by-law," when referring to an act of the company, includes a resolution; "By-law."

(3) "charge," when used as a verb with respect to tolls, includes to quote, demand, levy, take or receive; "Charge."

(4) "company" includes a person, and where not otherwise stated or implied means railway company unless accompanied by "any", "every", or "all", in which case it means every kind of company which the context will permit of; and "railway company", or "company" when it means or includes railway company,— "Company" and "Railway Company."

(*a*) includes every such company and any person having authority to construct or operate a railway; and

(*b*) in the sections of this Act which require companies to furnish statistics and returns to the Minister, or

provide penalties for default in so doing, includes further any company constructing or operating a line of railway in Canada, even though such company is not otherwise within the legislative authority of the Parliament of Canada, and includes also any individual not incorporated who is the owner or lessee of a railway in Canada, or party to an agreement for the working of such a railway;

"Costs". (5) "costs" includes fees, counsel fees and expenses;

"County". (6) "county" includes any county, union of counties, riding, district, or division corresponding to a county, and, in the province of Quebec, any separate municipal division of a county;

"Court." (7) "court" means a superior court of the province or district, and, when used with respect to any proceedings for

(*a*) the ascertainment or payment, either to the person entitled, or into court, of compensation for lands taken, or for the exercise of powers conferred by this Act, or

(*b*) the delivery of possession of lands, or the putting down of resistance to the exercise of powers, after compensation paid or tendered,

includes the county court of the county where the lands lie; and "county court" and "superior court" are to be interpreted according to the *Interpretation Act* and amendments thereto;

"County court;" "Superior court."

"Exchequer Court." (8) "Exchequer Court" means the Exchequer Court of Canada;

"Express toll." (9) "express toll" means any toll, rate or charge to be charged by any company, or any person or corporation other than the company, to any persons, for hire or otherwise, for or in connection with the collecting, receiving, caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, or for any service incidental thereto, or for or in connection with any or either of these objects, where the whole or any portion of the carriage or transportation of such goods is by rail upon the railway of the company;

'Goods." (10) "goods" includes personal property of every description that may be conveyed upon the railway, or upon steam vessels, or other vessels connected with the railway;

"Highway." (11) "highway" includes any public road, street, lane or other public way or communication;

"Inspecting engineer." (12) "inspecting engineer" means an engineer who is directed by the Minister, or by the Board, to examine any railway or works, and includes two or more engineers, when two or more are so directed;

(13) "judge" means a judge of a superior or county court hereinbefore mentioned, as the case may be; "Judge."

(14) "justice" means a justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises; and, when any matter is authorized or required to be done by two justices, the expression 'two justices' means two justices assembled and acting together; "Justice."

(15) "lands" means the lands, the acquiring, taking or using of which is authorized by this or the Special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure, and any easement, servitude, right, privilege or interest in, to, upon, over or in respect of the same; "Lands."

(16) "lease" includes an agreement for a lease; "Lease."

(17) "Minister" means the Minister of Railways and Canals; "Minister."

(18) "owner," when, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or when any act is authorized or required to be done with the consent of the owner, includes any person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, is enabled to sell and convey the lands to the company, and includes also a mortgagee of the lands; "Owner."

(19) "plan" means a ground plan of the lands and property taken or intended to be taken; "Plan."

(20) "provincial legislature" or "legislature of any province" means and includes any legislative body other than the Parliament of Canada; "Provincial Legislature."

(21) "railway" means any railway which the company has authority to construct or operate, and includes all branches, extensions, sidings, stations, depots, wharfs, rolling stock, equipment, stores, property real or personal and works connected therewith, and also any railway bridge, tunnel, or other structure which the company is authorized to construct; and, except where the context is inapplicable, includes street railway and tramway; "Railway."

(22) "Railway Act, 1888," means the Act passed in the fifty-first year of the reign of Her late Majesty, Queen Victoria, chapter twenty-nine, intituled *An Act respecting Railways*, and the several Acts in amendment thereof; "Railway Act, 1888."

(23) "registrar of deeds" or "registrar" includes the registrar of land titles, or other officer with whom the title to the land is registered; "Registrar of deeds."

(24) "registry of deeds," or "office of the registrar of deeds," or other words descriptive of the office of the registrar of deeds, include the land titles office, or other office in which the title to the land is registered; "Registry of deeds."

"Rolling stock." (25) "rolling stock" means and includes any locomotive, engine, motor car, tender, snow plough, flanger, and every description of car or of railway equipment designed for movement on its wheels, over or upon the rails or tracks of the company;

"Secretary." (26) "Secretary" means the Secretary of the Board;

"Sheriff." (27) "sheriff" means the sheriff of the district, county, riding, division, city or place within which are situated any lands in relation to which any matter is required to be done by a sheriff, and includes an under sheriff or other lawful deputy of the sheriff;

"Special Act." (28) "Special Act", when used with reference to a railway, means any Act under which the company has authority to construct or operate a railway, or which is enacted with special reference to such railway, whether heretofore or hereafter passed, and includes

(*a*) all such Acts,

(*b*) with respect to the Grand Trunk Pacific Railway Company, *The National Transcontinental Railway Act*, and the Act in amendment thereof passed in the fourth year of His late Majesty's reign, chapter twenty-four, intituled *An Act to amend the National Transcontinental Railway Act*, and the scheduled agreements therein referred to, and

(*c*) any letters patent, constituting a company's authority to construct or operate a railway, granted under any Act, and the Act under which such letters patent were granted;

"Telegraph." (29) "telegraph" includes wireless telegraph;

"Telegraph toll." (30) "telegraph toll", or toll when used with reference to telegraph, means and includes any toll, rate or charge to be charged by any company to the public, or to any person, for the transmission of messages by telegraph;

"Telephone toll." (31) "telephone toll," or toll when used with reference to telephone, means and includes any toll, rate, or charge to be charged by any company to the public, or to any person, for use or lease of a telephone system or line, or any part thereof, or for the transmission of a message by telephone, or for installation and use or lease of telephone instruments, lines, or apparatus, or for any service incidental to a telephone business;

"Toll" and "rate." (32) "toll", or "rate", when used with reference to a railway, means and includes any toll, rate, charge or allowance charged or made either by the company, or upon or in respect of a railway owned or operated by the company, or by any person on behalf or under authority or consent of the company, in connection with the carriage and transportation of passengers, or the carriage, shipment, transportation, care, handling or

delivery of goods, or for any service incidental to the business of a carrier; and includes also any toll, rate, charge or allowance so charged or made in connection with rolling stock, or the use thereof, or any instrumentality or facility of carriage, shipment or transportation, irrespective of ownership or of any contract, express or implied, with respect to the use thereof; and includes also any toll, rate, charge or allowance so charged or made for furnishing passengers with beds or berths upon sleeping cars, or for the collection, receipt, loading, unloading, stopping over, elevation, ventilation, refrigerating, icing, heating, switching, ferriage, cartage, storage, care, handling or delivery of, or in respect of, goods transported, or in transit, or to be transported; and includes also any toll, rate, charge or allowance so charged or made for the warehousing of goods, wharfage or demurrage or the like, or so charged or made in connection with any one or more of the above-mentioned objects, separately or conjointly;

(33) "traffic" means the traffic of passengers, goods and rolling stock; "Traffic."

(34) "train" includes any engine, locomotive or other rolling stock; "Train."

(35) "the undertaking" means the railway and works, of whatsoever description, which the company has authority to construct or operate; "Undertaking."

(36) "working expenditure" means and includes "Working expenditure."

(*a*) all expenses of maintenance of the railway,

(*b*) all such tolls, rents or annual sums as are paid in respect of the hire of rolling stock let to the company, or in respect of property leased to or held by the company, apart from the rent of any leased line,

(*c*) all rent charges or interest on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for,

(*d*) all expenses of or incidental to the working of the railway and the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company,

(*e*) all rates, taxes, insurance and compensation for accidents or losses, including any such compensation payable under the provisions of any Act of the Parliament of Canada or of any provincial legislature providing for the payment of compensation to workmen for injuries or in respect of industrial diseases,

(*f*) all salaries and wages of persons employed in and about the working of the railway and traffic,

(*g*) all office and management expenses, including directors' fees, and agency, legal and other like expenses,

(*h*) all costs and expenses of and incidental to the compliance by the company with any order of the Board under this Act, and

(*i*) generally, all such charges, if any, not hereinbefore otherwise specified, as, in all cases of English railway companies, are usually carried to the debit of revenue as distinguished from capital account;

"Clerk of the peace."

(37) when any matter arises in respect of any lands which are not situated wholly in any one district, county, riding, division, city or place, and which are the property of one and the same person, "clerk of the peace," "justice," and "sheriff," respectively, mean any clerk of the peace, justice or sheriff for any district, county, riding, division, city or place within which any portion of such lands is situated. R. S., c. 37, s. 2; 7-8 E. VII., c. 61, ss. 1 and 9; 1-2 G. V., c. 22, s. 1. Am.

"Justice." "Sheriff."

*Construing with Special Acts.*

General rules as to construing.

**3.** Except as in this Act otherwise provided,—

(*a*) this Act shall be construed as incorporate with the Special Act; and

(*b*) where the provisions of this Act and of any Special Act passed by the Parliament of Canada relate to the same subject-matter the provisions of the Special Act shall, in so far as is necessary to give effect to such Special Act, be taken to over-ride the provisions of this Act; but

(*c*) provisions incorporated with any Special Act from any general railway Act by reference shall be taken to be superseded by the provisions of this Act relating to the same subject-matter. R.S., c. 37, s. 3, Am.

Special Act referring to corresponding provisions.

**4.** If in any Special Act heretofore passed, it is enacted that any provision of any general railway Act in force at the time of the passing of such Special Act, is excepted from incorporation therewith, or if the application of any such provision is, by such Special Act, extended, limited or qualified, the provisions of this Act relating to the same subject-matter, shall, unless otherwise provided in this Act, be taken to be excepted, extended, limited, or qualified, in like manner. R.S., c. 37, s. 4. Am.

APPLICATION OF ACT.

To what persons, companies and railways applicable.

**5.** This Act shall, subject as herein provided, apply to all persons, railway companies and railways, other than Government railways, within the legislative authority of the Parliament of Canada, whether heretofore or hereafter,

and howsoever, incorporated or authorized. R.S., c. 37, s. 5.

Application to—

**6.** The provisions of this Act shall, without limiting the effect of the last preceding section, extend and apply to-

Foreign companies.

(*a*) every railway company incorporated elsewhere than in Canada and owning, controlling, operating or running trains or rolling stock upon or over any line or lines of railway in Canada either owned, controlled, leased or operated by such company or companies, whether in either case such ownership, control, or operation is acquired by purchase, lease, agreement or by any other means whatsoever;

Companies running trains into Canada.

(*b*) every railway company operating or running trains from any point in the United States to any point in Canada;

Railways controlled or operated by Dominion companies.

(*c*) every railway or portion thereof, whether constructed under the authority of the Parliament of Canada or not, now or hereafter owned, controlled, leased or operated by a company wholly or partly within the legislative authority of the Parliament of Canada, or by a company operating a railway wholly or partly within the legislative authority of the Parliament of Canada, whether such ownership, control or first-mentioned operation is acquired or exercised by purchase, lease, agreement or other means whatsoever, and whether acquired or exercised under authority of the Parliament of Canada, or of the legislature of any province, or otherwise howsoever; and every railway or portion thereof, now or hereafter so owned, controlled, leased or operated shall be deemed and is hereby declared to be a work for the general advantage of Canada. 8-9 E. VII., c. 32, s. 11. Am.

Railways declared to be for general advantage of Canada.

**7.** Where any railway, the construction or operation of which is authorized by a Special Act passed by the legislature of any province, is declared, by any Act of the Parliament of Canada, to be a work for the general advantage of Canada, this Act shall apply to such railway, and to the company constructing or operating the same, to the exclusion of such of the provisions of the said Special Act as are inconsistent with this Act, and in lieu of any general railway Act of the province. R. S., c. 37, s. 6.

Special Act.

Provincial railways connecting with or crossing Dominion Railways.

**8.** Every railway, the construction or operation of which is authorized by Special Act of the legislature of any province and which connects with or crosses or may hereafter connect with or cross any railway within the legislative

authority of the Parliament of Canada, shall, although not declared by Parliament to be a work for the general advantage of Canada, be subject to the provisions of this Act relating to,—

(*a*) the connection or crossing of one railway with or by another, so far as concerns the aforesaid connection or crossing;

(*b*) the through traffic upon a railway and all matters appertaining thereto, in so far as control over such traffic and matters is necessarily incidental to control over the traffic of a railway within the legislative authority of the Parliament of Canada, and in so far as such through traffic and matters appertaining thereto may be otherwise within the legislative authority of the Parliament of Canada;

(*c*) criminal matters, including offences and penalties; and,

Proviso.

(*d*) navigable waters:

Provided that, in the case of railways owned by any provincial government, the provisions of this Act with respect to through traffic shall not apply without the consent of such government. R. S., c. 37, s. 8. Am.

## Board of Commissioners.

### *Constitution.*

Board, how constituted.

**9.** There shall be a commission, known as the Board of Railway Commissioners for Canada, consisting of six members appointed by the Governor in Council.

Court of record.

2. Such commission shall be a court of record, and have an official seal which shall be judicially noticed.

Tenure.

3. Each commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, but may be removed at any time by the Governor in Council for cause: Provided that,—

(*a*) a commissioner shall cease to hold office upon reaching the age of seventy-five years; and,

(*b*) if a judge of any superior court in Canada is appointed Chief Commissioner of the Board, he shall not be removed at any time by the Governor in Council, except upon address of the Senate and House of Commons.

Reappointment.

4. A commissioner on the expiration of his term of office shall, if not disqualified by age, be eligible for reappointment. R. S., c. 37, s. 10 (1)—(4); 7-8 E. VII., c. 62, s. 1.

Chief Commissioner and assistant

**10.** One of such commissioners shall be appointed by the Governor in Council, Chief Commissioner, and another of them assistant Chief Commissioner of the Board.

2. Any person may be appointed Chief Commissioner or assistant Chief Commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years' standing at the bar of any such province. Chief Commissioner.

3. The Chief Commissioner shall be entitled to hold the office of Chief Commissioner, and the assistant Chief Commissioner the office of assistant Chief Commissioner or that of Chief Commissioner, so long as they respectively continue to be members of the Board.

4. The assistant Chief Commissioner shall have all the powers of the Chief Commissioner; but such powers shall not be exercised by him except in the absence of the Chief Commissioner, and whenever he has acted it shall be conclusively presumed that he so acted in the absence or disability of the Chief Commissioner within the meaning of this section. 7–8 E. VII., c. 62, s. 2. Powers of assistant Chief Commissioner.

**11.** Another of the commissioners shall be appointed, by the Governor in Council, deputy Chief Commissioner of the Board. Deputy Chief Commissioner.

2. In case of the absence of the Chief Commissioner and the assistant Chief Commissioner, or of their inability to act, the deputy Chief Commissioner shall exercise the powers of the Chief Commissioner for him or in his stead, and in such case, all regulations, orders and other documents signed by the deputy Chief Commissioner shall have the like force and effect as if signed by the Chief Commissioner. Powers of deputy Chief Commissioner.

3. Whenever the deputy Chief Commissioner appears to have acted for or instead of the Chief Commissioner, it shall be conclusively presumed that he so acted in the absence or disability of the Chief Commissioner and of the assistant Chief Commissioner within the meaning of this section. Presumption.

4. Where the Chief Commissioner deems it necessary for the more speedy and convenient despatch of business he may by writing authorize any commissioner to sign regulations, orders and other documents in his stead, and when done pursuant to such authority the same shall have the like force and effect as if signed by the Chief Commissioner. R. S., c. 37, s. 10 (6); 7–8 E. VII., c. 62, s. 3. Am. Authority to other commissioner.

**12.** Two commissioners shall form a quorum, and not less than two commissioners shall attend at the hearing of every case; Provided that,— Quorum.

(*a*) in any case where there is no opposing party and no notice to be given to any interested party, any one commissioner may act alone for the Board; and Powers of single Commissioner.

(*b*) the Board, or the Chief Commissioner, may authorize any one of the commissioners to report to the Board upon any question or matter arising in connection with the business of the Board, and when so authorized such

commissioner shall have all the powers of two commissioners sitting together for the purpose of taking evidence or acquiring the necessary information for the purpose of such report, and upon such report being made to the Board, it may be adopted as the order of the Board, or otherwise dealt with as to the Board seems proper.

Presiding officer.

2. The Chief Commissioner, when present, shall preside, and the assistant Chief Commissioner, when present, in the absence of the Chief Commissioner, shall preside, and the opinion of either of them upon any question arising when he is presiding, which in the opinion of the commissioners is a question of law, shall prevail.

Questions of law.

Vacancy.

3. No vacancy in the Board shall impair the right of the remaining commissioners to act. 7–8 E. VII., c. 62, s. 4.

Interest, kindred or affinity.

**13.** Whenever any commissioner is interested in any matter before the Board, or of kin or affinity to any person interested in any such matter, the Governor in Council may, either upon the application of such commissioner or otherwise, appoint some disinterested person to act as commissioner *pro hac vice;* and the Governor in Council may also, in case of the illness, absence or inability to act of any commissioner, appoint a commissioner *pro hac vice:* Provided that no commissioner shall be disqualified to act by reason of interest or of kindred or affinity to any person interested in any matter before the Board. R. S., c. 37, s. 14.

Illness, absence, etc.

Commissioners and officers not to hold interest in stock or equipment.

**14.** No commissioner or officer of the Board shall, directly or indirectly,—

(*a*) hold, purchase, take or become interested in any stock, share, bond, debenture or other security, of any company subject to this Act; or

(*b*) have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as a part of the equipment of railways or of any rolling stock to be used thereon, or of any other work or undertaking subject to this Act.

If acquired by will or succession.

2. If any such stock, share, bond or other security, device, appliance, machine, patented process or article, or any part thereof or any interest therein, shall come to or vest in any commissioner or officer of the Board by will or succession for his own benefit, he shall, within three months thereafter, absolutely sell and dispose of the same, or his interest therein. 7–8 E. VII., c. 62, s. 5. Am.

Residence.

**15.** Each commissioner shall during his term of office reside in the city of Ottawa, or within five miles thereof, or

within such distance thereof as the Governor in Council at any time determines. R. S., c. 37, s. 16.

Whole time

**16.** The commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this section. R. S., c. 37, s. 17.

*Offices.*

Offices in Ottawa.

**17.** The Governor in Council shall, upon the recommendation of the Minister, provide, within the city of Ottawa, a suitable place in which the sessions of the Board may be held, and also suitable offices for the commissioners, and for the Secretary, and the officers and employees of the Board, and all necessary furnishings, stationery and equipment for the conduct, maintenance and performance of the duties of the Board.

Offices elsewhere than in Ottawa.

2. The Governor in Council, upon the recommendation of the Minister, may establish at any place or places in Canada such office or offices as are required for the Board, and may provide therefor the necessary accommodation, furnishings, stationery and equipment. R. S., c. 37, s. 18; 7–8 E. VII., c. 62, s 7.

*Sittings and Disposal of Business.*

Sittings.

**18.** The Board may hold more than one sitting at the same time, and, whenever circumstances render it expedient to hold a sitting elsewhere than in Ottawa, may hold such sitting in any part of Canada. R. S., c. 37, s. 19; 7–8 E. VII., c. 62, s. 6.

Sittings, how conducted.

**19.** The commissioners shall sit at such times and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business.

2. They may, subject to the provisions of this Act, sit either together or separately, and either in private or in open court: Provided that any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court. R. S., c. 37, s. 20.

Arrangement of sittings and business.

**20.** Subject to the provisions of this Act, the Board may make rules and provisions respecting,—

(*a*) the sittings of the Board;

(*b*) the manner of dealing with matters and business before the Board;

(*c*) the apportionment of the work of the Board among its members, and the assignment of members to sit at hearings, and to preside thereat; and,

(*d*) generally, the carrying on of the work of the Board, the management of its internal affairs, and the duties of its officers and employees;

and in the absence of other rule or provision as to any such matter, such matter shall be in the charge and control of the Chief Commissioner or such other member or members of the Board as the Board directs. New.

*Experts.*

Experts.

**21.** The Governor in Council may, from time to time, or as the occasion requires, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board. R. S., c. 37, s. 21.

*Secretary.*

Secretary.

**22.** There shall be a Secretary of the Board who shall be appointed by the Governor in Council, and who shall hold office during pleasure, and reside in the city of Ottawa. R. S., c. 37, s. 22.

Duties of Secretary.

**23.** It shall be the duty of the Secretary,—

(*a*) to attend all sessions of the Board;

(*b*) to keep a record of all proceedings conducted before the Board or any commissioner under this Act;

(*c*) to have the custody and care of all records and documents belonging or appertaining to the Board or filed in his office;

(*d*) to obey all rules and directions which may be made or given by the Board, or the Chief Commissioner, touching his duties or office;

(*e*) to have every regulation and order of the Board drawn pursuant to the direction of the Board, signed by the Chief Commissioner, sealed with the official seal of the Board, and filed in the office of the Secretary.

Record books.

2. The Secretary shall keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order, and every other document which the Board may require to be entered therein, and such entry shall constitute and be the original record of any such regulation or order.

Certified copies.

3. Upon application of any person, and on payment of such fees as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order. R. S., c. 37 s. 23.

Acting Secretary.

**24.** In the absence of the Secretary from illness or any other cause, the Board may appoint from its staff an acting

secretary, who shall thereupon act in the place of the Secretary, and exercise his powers. R. S., c. 37, s. 24.

*Staff.*

Staff of Board.

**25.** There shall be attached to the Board such officers, clerks, stenographers and messengers as the Board, with the approval of the Governor in Council, from time to time, appoints.

Dismissal.

2. The Board may at will dismiss any such officer, clerk, stenographer or messenger. R. S., c. 37, s. 25.

*Salaries and Payments.*

Commissioners.

**26.** The Chief Commissioner shall be paid an annual salary of twelve thousand five hundred dollars, the assistant Chief Commissioner an annual salary of nine thousand dollars, and each of the other commissioners an annual salary of eight thousand dollars.

Secretary.

2. The Secretary shall be paid an annual salary to be fixed by the Governor in Council, not exceeding four thousand dollars.

From unappropriated funds.

3. Such salaries shall be paid monthly out of the unappropriated funds in the hands of the Receiver General for Canada. R. S., c. 37, s. 35; 7–8 E. VII., c. 62, s. 9; 3–4 G. V., c. 44, s. 1.

Staff.

**27.** The officers, clerks, stenographers and messengers attached to the Board shall receive such salaries or remuneration as may be approved by the Governor in Council upon the recommendation of the Board. R. S., c. 37, s. 36.

Others.

**28.** Whenever the Board, by virtue of any power vested in it by this Act, appoints or directs any person, other than a member of the staff of the Board, to perform any service required by this Act, such person shall be paid therefor such sum for services and expenses as the Governor in Council may, upon the recommendation of the Board, determine. R.S., c. 37, s. 37.

Paid monthly.

**29.** The salaries or remuneration of all such officers, clerks, stenographers, and messengers, and all the expenses of the Board incidental to the carrying out of this Act, including all actual and reasonable travelling expenses of the commissioners and the Secretary, and of such members of the staff of the Board as may be required by the Board to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of moneys to be provided by Parliament. R.S., c. 37, s. 38.

*Franking Privilege.*

Correspondence free of postage.

**30.** All letters or mailable matter addressed to the Board or the Secretary at Ottawa, or sent by the Board or the Secretary from Ottawa, shall be free of Canada postage under such regulations as are from time to time made in that regard by the Governor in Council. R.S., c. 37, s. 39.

*Annual Report.*

Annual report to Governor in Council.

**31.** The Board shall, within two months after the thirty-first day of March in each year, make to the Governor in Council through the Minister, an annual report, for the year next preceding the thirty-first day of March, showing briefly,—

(*a*) applications to the Board and summaries of the findings thereon under this Act;

(*b*) summaries of the findings of the Board in regard to any matter or thing respecting which the Board has acted of its own motion, or upon the request of the Minister;

(*c*) such other matters as appear to the Board to be of public interest in connection with the persons, companies and railways subject to this Act; and

(*d*) such matters as the Governor in Council directs.

Report to be laid before Parliament.

2. The said report shall be forthwith laid before both Houses of Parliament, if then in session, and if not in session then during the first fifteen days of the next ensuing session of Parliament. 8-9 E. VII., c. 32, s. 12.

*General Jurisdiction and Powers.*

Powers of Railway Committee transferred.

**32.** Whenever, by an Act or document, the Railway Committee of the Privy Council is given any power or authority, or charged with any duty with regard to any company, railway, matter or thing, such power, authority or duty may, or shall, be exercised by the Board. R.S., c. 37, s. 11.

Jurisdiction.

**33.** The Board shall have full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested,—

(*a*) complaining that any company, or person, has failed to do any act, matter or thing required to be done by this Act, or the Special Act, or by any regulation, order or direction made thereunder by the Governor in Council, the Minister, the Board, or any inspecting engineer or other authority, or that any company or person has done or is doing any act, matter or thing contrary to or in violation of this Act, or the Special Act, or any such regulation, order, or direction; or,

(b) requesting the Board to make any order, or give any direction, leave, sanction or approval, which by law it is authorized to make or give, or with respect to any matter, act or thing, which by this Act, or the Special Act, is prohibited, sanctioned or required to be done.

Mandatory orders.

2. The Board may order and require any company or person to do forthwith, or within or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act, any act, matter or thing which such company or person is or may be required or authorized to do under this Act, or the Special Act, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act, or the Special Act; and shall for the purposes of this Act have full jurisdiction to hear and determine all matters whether of law or of fact.

Restraining orders.

All powers of a superior court.

3. The Board shall, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction under this Act, or otherwise for carrying this Act into effect, have all such powers, rights and privileges as are vested in a superior court.

Appointment of receiver not to oust jurisdiction of Board.

4. The fact that a receiver, manager, or other official of any railway, or a receiver of the property of a railway company, has been appointed by any court in Canada or any province thereof, or is managing or operating a railway under the authority of any such court, shall not be a bar to the exercise by the Board of any jurisdiction conferred by this Act; but every such receiver, manager, or official shall be bound to manage and operate any such railway in accordance with this Act and with the orders and directions of the Board, whether general or referring particularly to such railway; and every such receiver, manager, or official, and every person acting under him, shall obey all orders of the Board within its jurisdiction in respect of such railway, and be subject to have them enforced against him by the Board, notwithstanding the fact that such receiver, manager, official, or person is appointed by or acts under the authority of any court; and wherever by reason of insolvency, sale under mortgage, or any other cause, a railway or section thereof is operated, managed or held otherwise than by the company, the Board may make any order it deems proper for adapting and applying the provisions of this Act to such case.

Adapting and applying Act.

Certain decisions of Board conclusive.

5. The decision of the Board as to whether any company, municipal ty or person is or is not a party interested within the meaning of this section shall be binding and conclusive upon all companies, municipalities and persons. R. S., c. 37, s. 26. Am.

Power to make orders and regulations.

**34.** The Board may make orders and regulations,—

(*a*) with respect to any matter, act or thing which by this or the Special Act is sanctioned, required to be done, or prohibited;

(*b*) generally for carrying this Act into effect; and, without limiting the general powers by this section conferred.

(*c*) as in this Act specifically provided.

Application.

2. Any such orders or regulations may be made to apply to all cases or to any particular case or class of cases, or to any particular district, or to any railway or other work, or section or portion thereof; and the Board may exempt any railway or other work, or section or portion thereof, from the operation of any such order or regulation for such time or during such period as the Board deems expedient; and such orders or regulations may be for such time as the Board deems fit, and may be rescinded, amended, changed, altered or varied as the Board thinks proper.

Penalties

3. The Board may by regulation or order provide penalties, when not already provided in this Act, to which every company or person who offends against any regulation or order made by the Board shall be liable; provided that no such penalty shall exceed one hundred dollars.

Other liability.

4. The imposition of any such penalty shall not lessen or affect any other liability which any company or person may have incurred. R.S., c. 37, s. 30, part. Am.

Jurisdiction of Board as to agreements.

**35.** 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. 8-9 E. VII., c. 32, s. 1.

Board may act upon its own motion.

**36.** The Board may, of its own motion, or shall, upon the request of the Minister, inquire into, hear and determine any matter or thing which, under this Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have the same powers as, upon any application or complaint, are vested in it by this Act. R.S., c. 37, s. 28 (1).

From time to time.

**37.** Any power or authority vested in the Board under this Act may, though not so expressed in this Act, be exercised from time to time, or at any time, as the occasion may require. R.S., c. 37, s. 28 (2).

Governor in Council may refer to Board for report.

**38.** The Governor in Council may at any time refer to the Board for a report, or other action, any question, matter or thing arising, or required to be done, under this Act, or the Special Act, and the Board shall without delay comply with the requirements of such reference. R.S., c. 37, s. 57.

Works ordered by the Board.

**39.** When the Board, in the exercise of any power vested in it by this Act, or the Special Act, in and by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may, except as in this Act otherwise expressly provided, order by what company, municipality or person, interested or affected by such order, as the case may be, and when or within what time and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used and maintained.

Cost, by whom paid.

2. The Board may, except as in this Act otherwise expressly provided, order by whom, in what proportion, and when, the cost and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals, or repairs, or of the supervision, if any, or of the continued operation, use or maintenance thereof, or of otherwise complying with such order, shall be paid. R.S., c. 37, s. 59.

Approval of certain works after construction.

**40.** Whenever this Act requires or directs that before the doing of any work by the company the approval of the Board must be first obtained, and whenever any such work has been done before the thirty-first day of December, one thousand nine hundred and nine, without such approval, the Board shall nevertheless have power to approve of the same and to impose any terms and conditions upon such company that may be thought proper in the premises. 9-10 E. VII., c. 50, s. 2.

Extension of time specified by Board.

**41.** When any work, act, matter or thing is, by any regulation, order or decision of the Board, required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case in its opinion so require, upon notice and hearing or, in its discretion, upon *ex parte* application, extend the time so specified. R.S., c. 37, s. 50.

Employment of counsel in public interest.

**42.** The Board may, in any application, proceeding or matter of special importance pending before it, if in the opinion of the Board the public interest so requires, apply to the Minister of Justice to instruct counsel to conduct or argue the case or any particular question arising in the application, proceeding or matter as to any public interest which is or may be affected thereby or by any order or decision which may be made therein; and, upon such application to him by the Board, or of his own motion, the Minister of Justice may instruct counsel accordingly; and the Board may direct that the costs of such counsel shall be paid by any party to the application, proceeding or matter, or by the Minister of Finance out of any unappropriated moneys. 6-7 E. VII., c. 38, s. 1.

Stated case for Supreme Court of Canada.

**43.** The Board may of its own motion, or upon the application of any party, and upon such security being given as it directs, or at the request of the Governor in Council, state a case, in writing, for the opinion of the Supreme Court of Canada upon any question which in the opinion of the Board is a question of law or of jurisdiction.

Proceedings thereon.

2. The Supreme Court of Canada shall hear and determine such question or questions of law arising thereon, and remit the matter to the Board with the opinion of the Court thereon. R. S., c. 37, s. 55. Am.

Effect of judgment of other courts.

**44.** In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *prima facie* evidence only.

*Lis pendens.*

2. The pendency of any suit, prosecution or proceeding, in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

Findings of fact conclusive.

3. The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive. R.S., c. 37, s. 54.

*Orders and Decisions.*

Orders may come into force,—

**45.** The Board may direct in any order that such order or any portion or provision thereof, shall come into force

at a future time or upon the happening of any contingency, event or condition in such order specified, or upon the performance to the satisfaction of the Board, or a person named by it, of any terms which the Board may impose upon any party interested, and the Board may direct that the whole, or any portion of such order, shall have force for a limited time, or until the happening of a specified event. Upon contingency; Upon terms; For limited time.

2. The Board may, instead of making an order final in the first instance, make an interim order, and reserve further directions either for an adjourned hearing of the matter, or for further application. R.S., c. 37, s. 47. Interim orders.

**46.** Upon any application made to the Board under this Act, the Board may make an order granting the whole or part only of such application, or may grant such further or other relief, in addition to or in substitution for that applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief. R. S., c. 37, s. 48. Relief.

**47.** The Board may, if the special circumstances of any case so require, make an interim *ex parte* order authorizing, requiring or forbidding anything to be done which the Board would be empowered, on application, notice and hearing, to authorize, require or forbid; but no such interim order shall be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined. R. S., c. 37, s. 49. Interim *ex parte* order.

**48.** No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstance necessary to give it jurisdiction to make such order. R. S., c. 37, s. 53. Order need not show jurisdiction

**49.** Any decision or order made by the Board under this Act may be made a rule, order or decree of the Exchequer Court, or of any superior court of any province of Canada, and shall be enforced in like manner as any rule, order or decree of such court. Rule of court.

2. To make such decision or order a rule, order or decree of any such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the Secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chief Commissioner and sealed with the official seal of the Board:— Practice.

"To move to make the within a rule (order *or* decree,

*as the case may be*) of the Exchequer Court of Canada (*or as the case may be*).

"Dated this day of A. D. 19

"A.B.

[Seal.] "Chief Commissioner of the Board of Railway Commissioners for Canada".

Copy to the registrar.

3. The Secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall, on receipt thereof, enter the same as of record, and the same shall thereupon become and be such rule, order or decree of such court.

When order rescinded or changed.

4. When a decision or order of the Board under this Act, or of the Railway Committee of the Privy Council under the Railway Act, 1888, has been made a rule, order or decree of any court, any order or decision of the Board rescinding or changing the same shall be deemed to cancel the rule, order or decree of such court, and may, in like manner, be made a rule, order or decree of such court.

Optional to enforce otherwise.

5. It shall be optional with the Board, either before or after its decision or order is made a rule, order or decree of any court, to enforce such decision or order by its own action. R.S., c. 37, s. 46. Am.

In *Canada Gazette.*

**50.** Any rule, regulation, order or decision of the Board, shall, when published by the Board, or by leave of the Board, for three weeks in *The Canada Gazette*, and while the same remains in force, have the like effect as if enacted in this Act, and all courts shall take judicial notice thereof. R.S., c. 37, s. 31.

*Review and Appeal.*

Board may review, etc.

**51.** The Board may review, rescind, change, alter or vary any order or decision made by it, or may rehear any application before deciding it. 7-8 E. VII., c. 62, s. 8.

Governor in Council may vary or rescind.

**52.** The Governor in Council may, in his discretion, either upon petition of any party, person or company interested, within one month after the making of the order, decision, rule or regulation, or within such further time as the Board under special circumstances may allow, or of his own motion, at any time, and without any petition or application, vary or rescind any order, decision, rule or regulation of the Board, whether such order or decision is made *inter partes* or otherwise, and whether such regulation is general or limited in its scope and application; and any order which the Governor in Council may make with respect thereto shall be binding upon the Board and upon all parties.

Appeal to Supreme Court as to jurisdiction by leave of judge.

2. An appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction, but such appeal shall not lie unless a judge of the said court upon application within one month after the making of the order, decision, rule or regulation sought to be appealed from, or within such further time as the judge under special circumstances shall allow, and upon notice to the parties and the Board, and upon hearing such of them as appear and desire to be heard, allows the same; and the costs of such application shall be in the discretion of the judge.

Appeal to Supreme Court by leave of Board.

3. An appeal shall also lie from the Board to such Court upon any question which in the opinion of the Board is a question of law, or a question of jurisdiction, or both, upon leave therefor having been first obtained from the Board within one month after the making of the order or decision sought to be appealed from, or within such further time as the Board under special circumstances shall allow, and after notice to the opposite party stating the grounds of appeal; and the granting of such leave shall be in the discretion of the Board.

Entry of application.

4. No appeal, after leave therefor has been obtained under subsection 2 or 3 of this section, shall lie unless it is entered in the said Court within thirty days from the making of the order granting leave to appeal.

Security for costs.

5. Upon such leave being obtained the party so appealing shall deposit with the Registrar of the Supreme Court of Canada the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar shall set the appeal down for hearing at the nearest convenient time; and the party appealing shall, within ten days after the appeal has been so set down, give to the parties affected by the appeal, or the respective solicitors by whom such parties were represented before the Board, and to the Secretary, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such Court as speedily as practicable.

Notice of appeal.

Powers of the Court.

6. On the hearing of any appeal, the Court may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Board may be heard.

7. The Board shall be entitled to be heard by counsel or otherwise, upon the argument of any such appeal.

Costs.

8. The Court shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section;

Practice.

and, until such rules are made, the rules and practice applicable to appeals from the Exchequer Court shall be applicable to appeals under this Act.

Members of Board not liable for costs.

9. Neither the Board nor any member of the Board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section.

Proceedings of Board final save as above.

10. Save as provided in this section,—

(*a*) every decision or order of the Board shall be final; and,

(*b*) no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari*, or any other process or proceeding in any court. R.S., c. 37, s. 56; 9-10 E. VII., c. 50, s. 1. Am.

*Practice and Procedure.*

Rules of practice and procedure.

**53.** The Board may make general rules regulating, so far as not inconsistent with the express provisions of this Act, its practice and procedure. R. S., c. 37, s. 51.

*Notice and Service.*

Notices, how signed,—

**54.** Any notice required or authorized to be given in writing,—

By Board;

(*a*) by the Board, may be signed by the Secretary or Chief Commissioner;

By Minister and others;

(*b*) by the Minister, inspecting engineer, or other officer or person appointed by the Minister, or the Board, may be signed by the Minister, or by such inspecting engineer, officer or other person, as the case may be;

By company or corporation.

(*c*) by any company or corporation, may be signed by the president or secretary, or mayor, warden, reeve or other principal officer thereof, or by its duly authorized agent or solicitor; and

By any person.

(*d*) by any person, may be signed by such person or his duly authorized agent or solicitor. R.S., c. 37, s. 40. Am.

Mode of service.

**55.** Service of any notice, summons, regulation, order, direction, decision, report or other document, unless in any case otherwise provided, may be effected,—

On companies required to name agent.

(*a*) upon a railway, telegraph, telephone, or express company to which this Act in whole or in part applies, by delivering the document or a copy thereof to the person entered by the company as its agent in the agents' book in subsection 2 of this section provided for; or, at his residence, to any member of his household; or, at the place of business or other place entered in the agents'

book, to any clerk or adult person in his employ; or if at the time of attendance to serve any document the place of business or other place aforesaid is closed or no one is in attendance therein for receiving service, service of the document may be effectively made by mailing the same or a copy thereof at any time during the same day by registered letter, postage prepaid, addressed to the agent at such place of business or other place, and the service shall be deemed to have been effected at the time of attendance for service; or, if the company has not caused the required entry to be made in the agents' book, then posting up the document or a copy thereof in the office of the Secretary of the Board shall be effective service upon the company, unless the Board otherwise orders; but the Board may in any case direct that the fact of service upon an agent and the nature of the document served shall be communicated to the company by telegraph, or may make any other order or direction it deems proper as to such service;

Railway companies.

(*b*) upon any railway company, whether included in paragraph (*a*) of this subsection or not, by delivering the document or a copy thereof to the president, a vice-president, or a managing director, or the secretary or superintendent of the company; or, at the head or any principal office of the company, to some adult person in its employ;

Other companies.

(*c*) upon any company other than a railway company, whether such company is included in paragraph (*a*) of this subsection or not, by delivering the document or a copy thereof to the president, a vice-president, or the manager or secretary of the company; or, at its head office, to some adult person in its employ;

Municipalities.

(*d*) upon a municipality or civic or municipal corporation, by delivering the document or a copy thereof to the mayor, warden, reeve, secretary, treasurer, clerk, chamberlain or other principal officer thereof;

Co-partnerships

(*e*) upon a firm or co-partnership, by delivering the document or a copy thereof to any member of such firm or co-partnership; or, at the last place of abode of any such member, to any adult member of his household; or, at the office or place of business of the firm, to a clerk employed therein;

Individuals.

(*f*) upon an individual, by delivering the document or a copy thereof to him; or, at his last place of abode, to any adult member of his household; or, at his office or place of business, to a clerk in his employ;

Order for service by publication.

Provided that if, in any case within the jurisdiction of the Minister, or the Board, it shall be made to appear to the

satisfaction of the Minister, or the Board, as the case may be, that service cannot conveniently be made in the manner above provided, the Minister, or the Board, as the case may be, may order and allow service to be made by publication of the document or notice thereof for any period not less than three weeks in *The Canada Gazette*, and also, if required, in any other newspaper; and such publication shall be deemed to be equivalent to service in the manner above provided.

Agents' book.

2. There shall be kept in the office of the Secretary of the Board a book to be called the agents' book in which every railway, telegraph, telephone, and express company to which this Act in whole or in part applies shall enter its name and the place of its head office and the name of an agent at Ottawa and his place of business or some other proper place within Ottawa where he may be served for such company. R. S., c. 37, s. 41; 7–8 E.VII., c. 62, s. 10; 1–2 Geo. V., c. 22, s. 3. Am.

Duty of company upon being served.

**56.** Every company shall, as soon as possible after receiving or being served with any regulation, order, direction, decision, notice, report or other document of the Minister, or the Board, or the inspecting engineer, notify the same to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy in some place where his work or his duties, or some of them, are to be performed. R. S., c. 37, s. 42.

Notice of application.

**57.** Unless otherwise provided, fifteen days' notice of any application to the Board, or of any hearing by the Board, shall be sufficient: Provided that the Board may in any case direct longer notice or allow notice for any period less than fifteen days. R. S., c. 37, s. 43. Am.

Notice of application for permission to work on Sunday.

**58.** Notice of any application to the Board for permission as provided by the Lord's Day Act, to perform any work on the Lord's Day in connection with the freight traffic of any railway, shall be given to the Department of Railways and Canals, and shall fully set out the reasons relied upon.

Costs.

2. The costs of any such application shall be borne by the applicant, and, if more than one, in such proportions as the Board determines.

Procedure in other respects.

3. In all other respects the procedure provided by this Act, shall, so far as applicable, apply to any such application. R. S., c. 37, s. 44.

*Ex parte.*

**59.** When the Board is authorized to hear an application, complaint or dispute, or make any order, upon notice to

the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice.

Rehearing.

2. Any company or person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind such order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just and right. R.S., c. 37, s. 45.

*Amending Proceedings.*

Amendments.

**60.** The Board may, upon terms or otherwise, make or allow any amendments in any proceedings before it. R.S., c. 37, s. 52.

*Costs.*

Costs.

**61.** The costs of and incidental to any proceeding before the Board, except as herein otherwise provided, shall be in the discretion of the Board, and may be fixed in any case at a sum certain, or may be taxed.

Payment.

2. The Board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

Scale.

3. The Board may prescribe a scale under which such costs shall be taxed. R.S., c. 37, s. 58.

*Witnesses and Evidence.*

Powers regarding witnesses and evidence.

**62.** The Board may order that any witness resident or present in Canada may be examined upon oath before, or make production of books, papers, documents or articles to, any one member of the Board, or before or to any officer of the Board, or before or to any other person named for the purpose by the order of the Board, and may make such orders as seem to it proper for securing the attendance of such witness and his examination, and the production by him of books, papers, documents, or articles, and the use of the evidence so obtained, and otherwise exercise, for the

enforcement of such orders or punishment for disobedience thereof, all powers that are exercised by any superior court in Canada for the enforcement of subpœnas to witnesses or punishment of disobedience thereof: Provided that no person shall be compellable, against his will, to attend for such examination or production at any place outside the province in which he is served with the order of the Board for the purpose.

Commissions to take evidence in foreign countries.

2. The Board may issue commissions to take evidence in a foreign country, and make all proper orders for the purpose, and for the return and use of the evidence so obtained. R.S., c. 37, s. 63.

Evidence by affidavit.

**63.** The Board may accept evidence upon affidavit or written affirmation, in cases in which it seems to it proper to do so.

Who may administer oaths in Canada.

2. All persons authorized to administer oaths to be used in any of the superior courts of any province may administer oaths in such province to be used in applications, matters or proceedings before the Board.

Commissioners for Supreme and Exchequer Courts.

3. All persons authorized by the Governor in Council to administer oaths within or out of Canada, in or concerning any proceeding had or to be had in the Supreme Court of Canada or in the Exchequer Court of Canada, may administer oaths in or concerning any application, matter, or proceeding before the Board.

Oaths outside Canada.

4. Any oath administered out of Canada, before any commissioner authorized to take affidavits to be used in His Majesty's High Court of Justice in England, or before any notary public, certified under his hand and official seal, or before the mayor or chief magistrate of any city, borough or town corporate in Great Britain or Ireland, or in any colony or possession of His Majesty out of Canada, or in any foreign country, and certified under the common seal of such city, borough, or town corporate, or before a judge of any court of supreme jurisdiction in any colony or possession of His Majesty, or dependency of the Crown out of Canada, or before any consul, vice-consul, acting-consul, pro-consul or consular agent of His Majesty, exercising his functions in any foreign place, certified under his official seal, concerning any application, matter or proceeding had or to be had by or before the Board, shall be as valid and of like effect, to all intents, as if it had been administered before a person authorized by the Governor in Council as in this section provided.

Documents in testimony of administration of oaths.

5. Every document purporting to have affixed, imprinted or subscribed thereon or thereto, the signature of any such person or commissioner so authorized as aforesaid, or the signature or official seal of any such notary public, or the

signature of any such mayor or chief magistrate and the common seal of the corporation, or the signature and official seal of any such consul, vice-consul, acting-consul, pro-consul or consular agent, in testimony of any oath having been administered by or before him, shall be admitted in evidence before the Board without proof of any such signature or seal being the signature or seal of the person or corporation whose signature or seal it purports to be, or of the official character of such person.

Informalities shall not invalidate.

6. No informality in the heading or other formal requisites of any oath made before any person under any provision of this section shall be an objection to its reception in evidence before the Board, if the Board thinks proper to receive it; and if it is actually sworn to by the person making it before any person duly authorized thereto, and is received in evidence, no such informality shall be set up to defeat an indictment for perjury. R.S., c. 37, s. 64.

Fees and allowances.

**64.** Every person summoned to attend before the Minister or the Board, or before any inspecting engineer, or person appointed under this Act to make inquiry and report shall, in the discretion of the Minister or the Board, receive the like fees and allowances for so doing as if summoned to attend before the Exchequer Court. R.S., c. 37, s. 65.

No person to be excused from producing.

**65.** No person shall be excused from attending and producing books, papers, tariffs, contracts, agreements and documents, in obedience to the subpoena or order of the Board, or of any person authorized to hold any investigation or inquiry under this Act, or in any cause or proceeding based upon or arising out of any alleged violation of this Act, on the ground that the documentary evidence required of him may tend to criminate him or subject him to any proceeding or penalty; but no such book, paper, tariffs, contract, agreement or document so produced shall be used or receivable against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving evidence upon such investigation or inquiry, cause or proceeding. R.S., c. 37, s. 66.

Documents issued by the company

**66.** In any proceeding before the Board and in any action or proceeding under this Act, every written or printed document purporting to have been issued or authorized by the company, or any officer, agent, or employee of the company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company and of the contents thereof, without any further

proof than the mere production of such document. R.S., c. 37, s. 67.

Documents issued by Minister, Board or engineer.

**67.** Every document purporting to be signed by the Minister, or by the Chief Commissioner and Secretary or either of them, or by an inspecting engineer, shall, without proof of any such signature, be *prima facie* evidence that such document was duly signed and issued by the Minister, the Board, or inspecting engineer, as the case may be.

Copies.

2. If such document purports to be a copy of any regulation, order, direction, decision or report made or given by the Minister, the Board, or an inspecting engineer, it shall be *prima facie* evidence of such regulation, order, direction, decision or report. R.S., c.37, s. 68.

Documents certified by Secretary.

**68.** Any document purporting to be certified by the Secretary as being a copy of any plan, profile, book of reference or other document deposited with the Board, or of any portion thereof, shall, without proof of the signature of the Secretary, be *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy; and also, if such certificate states the time when such original was so deposited, that the same was deposited at the time so stated.

Documents in custody of the Board.

2. A copy of any regulation, order or other document in the custody of the Secretary or of record with the Board, certified by the Secretary to be a true copy, and sealed with the seal of the Board, shall be *prima facie* evidence of such regulation, order or document, without proof of signature of the Secretary.

Certificate that no order or regulation made.

3. A certificate by the Secretary sealed with the seal of the Board stating that no order or regulation respecting any specified matter or thing has been made by the Board, shall be *prima facie* evidence of the fact stated therein without proof of the signature of the Secretary. R.S., c. 37, s. 69. Am.

*Inquiries.*

Board may order.

**69.** The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before the Board, or upon any matter or thing over which the Board has jurisdiction under this or the Special Act.

Minister may order inquiry.

2. The Minister may, with the approval of the Governor in Council, appoint and direct any person to inquire into and report upon any matter or thing which the Min-

ister is authorized to deal with under this Act or the Special Act. R.S., c. 37, s. 60.

Powers.

**70.** The Minister, the Board, or the inspecting engineer, or person appointed under this Act to make any inquiry or report may,—

Entry.

(*a*) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;

Inspection.

(*b*) inspect any works, structure, rolling stock or property of the company;

Attendance and returns.

(*c*) require the attendance of all such persons as it or he thinks fit to summon and examine, and require answers or returns to such inquiries as it or he thinks fit to make;

Production.

(*d*) require the production of all material books, papers, plans, specifications, drawings and documents; and,

Oaths.

(*e*) administer oaths, affirmations or declarations;

Generally.

and shall have the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things which they are required to produce, as is vested in any court in civil cases. R.S., c. 37, s. 61.

*Inspecting Engineers.*

Appointment of inspecting engineers.

**71.** Inspecting engineers may be appointed by the Minister or the Board, subject to the approval of the Governor in Council.

Duties.

2. It shall be the duty of every such inspecting engineer, upon being directed by the Minister or the Board, as the case may be, to inspect any railway, or any branch line, siding, or portion thereof, whether constructed, or n the course of construction, to examine the stations, rolling stock, rails, road bed, right of way, tracks, bridges, tunnels, trestles, viaducts, drainage, culverts, railway crossings and junctions, highway and farm crossings, fences, gates, and cattle-guards, telegraph, telephone or other lines of electricity, and all other buildings, works, structures, equipment, apparatus, and appliances thereon, or to be constructed or used thereon, or such part thereof as the Minister, or the Board, as the case may be, may direct, and forthwith to report fully thereon in writing to the Minister or the Board, as the case may be.

Powers of inspecting engineer.

3. Every such inspecting engineer shall have the same powers with regard to any such inspection as are by this Act conferred upon a person appointed by the Board to make an inquiry and report upon any matter pending befor the Board.

Duties of company respecting inspecting engineers.

4. Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as is within their knowledge and power, in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair, or state of repair of the railway, or any portion thereof.

Inspecting engineers may travel free.

Use telegraph wires.

5. Every such inspecting engineer shall have the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary passenger trains running on the railway, and to use without charge the telegraph wires and machinery in the offices or under the control of any such company.

Transmission of telegrams.

6. The operators, or officers, employed in the telegraph offices or under the control of the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages.

Proof of engineer's authority.

7. The production of his appointment in writing, signed by the Minister, the Chief Commissioner, or the Secretary, shall be sufficient evidence of the authority of such inspecting engineer. R.S., c. 37, s. 260.

## Railway Companies.

### *Incorporation.*

General powers.

**72.** Every railway company incorporated under a Special Act shall be a body corporate, under the name declared therein, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act, and of the Special Act, and which are incident to such corporation, or are expressed or included in the Interpretation Act. R. S., c. 37, s. 79.

### *Offices.*

Head office.

**73.** The head office of the company shall be in the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Canada: Provided that notice of any such change shall be given to the Secretary of the Board.

Change of location.

To be registered.

2. The Secretary of the Board shall keep a register wherein he shall enter all such changes of location so notified to him.

Other offices.

3. The directors of the company may establish one or more offices in other places in Canada or elsewhere. R.S., c. 37, s. 80.

*Provisional Directors.*

Provisional directors.

**74.** The persons mentioned by name as such in the Special Act shall be the provisional directors of the company.

Quorum.

2. A majority of such provisional directors shall form a quorum.

Powers.

3. The provisional directors may,—

(*a*) forthwith open stock books and procure subscriptions of stock for the undertaking;

(*b*) receive payments on account of stock subscribed;

(*c*) cause plans and surveys to be made; and,

(*d*) deposit in any chartered bank of Canada moneys received by them on account of stock subscribed.

Moneys deposited.

4. The moneys so received and deposited shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the company.

Tenure of office.

5. The provisional directors shall hold office as such until the first election of directors. R.S., c. 37, s. 81.

Allotment of stock.

**75.** If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. R.S., c. 37, s. 82.

*Capital.*

Shares.

**76.** The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of one hundred dollars each.

Application of proceeds.

2. The moneys raised from the capital stock shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of the Special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the railway, and other purposes of the undertaking. R.S., c. 37, s. 83.

First meeting of shareholders.

**77.** So soon as twenty-five per centum of the capital has been subscribed, and ten per centum of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company at the place where the head office is situate, at which meeting the shareholders who have paid at least ten per centum on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the Special Act.

Notice thereof.

2. Notice of such meeting shall be given by advertisement for the time and in the manner hereinafter required for meetings of shareholders. R.S., c. 37, s. 84.

Increase of capital stock.

**78.** The original capital stock of the company may, with the approval of the Governor in Council, be increased, from time to time, to any amount, if—

By vote.

(*a*) such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose; and,

Minutes.

(*b*) the proceedings of such meeting have been entered in the minutes of the proceedings of the company.

Notice of meetings and object.

2. Notice in writing stating the time, place and object of such meeting, and the amount of the proposed increase, shall be given to each shareholder, at least twenty days previously to such meeting, by delivering the notice to the shareholder personally, or depositing the same in the post office, post paid, and properly directed to the shareholder. R.S., c. 37, s. 85.

*Shares.*

Personal property.

**79.** The stock of the company shall be personal property. R.S., c. 37, s. 86.

How transferred.

**80.** Shares in the company may be sold and transferred by the holders thereof by instrument in writing, made in duplicate.

Duplicate transfers.

2. One of such duplicate transfers shall be delivered to the directors to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose.

Dividends.

3. No interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered. R.S., c. 37, s. 87.

Form of transfer.

**81.** Transfers, except in the case of fully paid-up shares, shall be in the form following, or to the like effect, varying the names and descriptions of the contracting parties as the case requires, that is to say:—

"I, (A. B.), in consideration of the sum of paid to me by (C. D.), hereby sell and transfer to him share (*or* shares) of the stock of the , to hold to him, the said (C. D.), his executors, administrators and assigns (*or* successors and assigns, *as the case may be*), subject to the same rules and orders and on the same conditions upon which I held the same immediately before the execution

hereof. And I, the said (C. D.), do hereby agree to accept of the said (A. B.'s) share (*or* shares) subject to the same rules, orders and conditions.

"Witness our hands this day of , in the year 19 ."

As to paid-up shares.

2. In the case of fully paid shares the transfer may be in such form as is prescribed by by-law of the company. R.S., c. 37, s. 88.

Restrictions on transfers.

**82.** No shares shall be transferable until all previous calls thereon have been fully paid up, or until the said shares have been declared forfeited for the non-payment of calls thereon.

Whole share.

2. No transfer of less than a whole share shall be valid. R.S., c. 37, s. 89.

Certificate of proprietorship of share.

**83.** The certificate of proprietorship of any share shall be *prima facie* evidence of the title of any shareholder, his executors, administrators or assigns, or its successors and assigns, as the case may be, to the share therein specified. R. S., c. 37, s. 71.

Sale without certificate.

**84.** The want of a certificate of proprietorship shall not prevent the holder of any share from disposing thereof. R.S., c. 37, s. 90.

Transmission of stock otherwise than by transfer.

**85.** If any share in the capital stock of the company is transmitted by the death, bankruptcy, last will and testament, *donatio mortis causa*, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is transmitted shall deposit in the office of the company a statement in writing signed by him, which shall declare the manner of such transmission, and he shall deposit therewith a duly certified copy or probate of such will and testament, or sufficient extracts therefrom, and such other documents and proofs as are necessary.

Transferee must comply

2. The person to whom the share is so transmitted as aforesaid, shall not, without complying with this section, be entitled to receive any part of the profits of the company, or to vote in respect of any such share as the holder thereof. R.S., c. 37, s. 91.

Company bound to see to execution of trusts.

**86.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or security issued by it is subject, whether or not the company has had notice of the trust; and it may treat the registered holder as the

absolute owner of any such share or security, and shall not be bound to recognize any claim on the part of any other person whomsoever, with respect to any such share or security, or the dividend or interest payable thereon: Provided, that nothing in this section contained shall prevent a person equitably interested in any such share or security from procuring the intervention of the court to protect his rights. R.S., c. 37, s. 92.

Non-payment of calls.

**87.** Every shareholder who makes default in the payment of any call payable by him, together with the interest, if any, accrued thereon, for the space of two months after the time appointed for the payment thereof, shall forfeit to the company his shares in the company, and all the profit and benefit thereof.

Forfeiture.

Procedure.

2. No advantage shall be taken of the forfeiture unless the shares are declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred. R.S., c. 37, s. 93.

Effect of forfeiture.

**88.** Every shareholder so forfeiting shall be by such declaration of forfeiture relieved from liability in all actions, suits or prosecutions whatsoever which may be commenced or prosecuted against him for any breach of the contract existing between such shareholder and the other shareholders by reason of such shareholder having subscribed for or become the holder of the shares so forfeited. R.S., c. 37, s. 94.

Sale of forfeited shares.

**89.** The directors may, subject as hereinafter provided, sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefor having been first given by the shareholders, either at the general meeting at which such shares were declared to be forfeited, or at any subsequent general meeting.

Limitation.

2. The directors shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture.

Surplus proceeds to defaulter.

3. If the money produced by the sale of any such forfeited shares is more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and the sale of such shares, the surplus shall, on demand, be paid to the defaulter.

Payment of arrears before sale.

4. If payment of such arrears of calls and interest and expenses is made before any share so forfeited and vested

in the company is sold, such share shall revert to the person to whom it belonged before such forfeiture, who shall be entitled thereto as if such calls had been duly paid.

5. Any shareholder may purchase any forfeited share so sold. R.S., c. 37, s. 95. Any shareholder may purchase.

**90.** A certificate of the treasurer of the company that any share of the company has been declared forfeited for non-payment of any call, and that such share has been purchased by a purchaser therein named shall, together with the receipt of the treasurer of the company for the price of such share, constitute a good title thereto. Certificate of treasurer to constitute title.

2. Such certificate shall be by the treasurer registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books to be kept by the company, and such purchaser shall thereupon be deemed to be the holder of such share. To be registered.

3. The purchaser shall not be bound to see to the application of the purchase money. Purchase money.

4. The title of the purchaser to such share shall not be affected by any irregularity in the proceedings in reference to such sale. R.S., c. 37, s. 96. Irregularity.

**91.** A certificate of the treasurer of the company that any share of the company has been declared forfeited for non-payment of any call or interest accrued thereon, and that such share has been purchased by a purchaser therein named shall be sufficient evidence of such facts. R.S., c. 37, s. 72. Certificate of forfeiture of share.

**92.** Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares, beyond the sums actually called for, may pay the same to the company. Shareholders may advance.

2. Upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect of which such advance is made, the company may pay such interest at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon. Interest.

3. Such interest shall not be paid out of the capital subscribed. R.S., c. 37, s. 97. No interest out of capital.

**93.** Every shareholder shall be individually liable to the creditors of the company for the debts and liabilities of the company to an amount equal to the amount unpaid on the stock held by him, and until the whole amount of his stock has been paid up: Provided that no action shall Limited liability.

be instituted or maintained against any such shareholder in respect of his said liability until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part. R.S., c. 37, s. 98.

Municipal corporations may take stock.

**94.** Municipal corporations in any province of Canada duly empowered so to do by the laws of the province may, subject to the limitations and restrictions in such laws prescribed, subscribe for any number of shares in the capital stock of the company. R. S., c. 37, s. 99.

Aliens.

Shareholders have equal rights.

**95.** All shareholders in the company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the company, and to vote on the same, and, subject as herein provided, shall be eligible to office in the company. R.S., c. 37, s. 100.

Record of shareholders.

**96.** A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book, which shall be kept for that purpose, and which shall be open to the inspection of the shareholders. R.S., c. 37, s. 101.

*Meetings of Shareholders.*

Annual meeting.

**97.** A general meeting of the shareholders for the election of directors, and for the transaction of other business connected with or incident to the undertaking, to be called the annual meeting, shall be held annually on the day mentioned in the Special Act, or on such other day as the directors may determine.

Special meetings.

2. Other general meetings, to be called special meetings, may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene a special meeting, fail, for twenty-one days thereafter, to call such meeting. R.S., c. 37, s. 102.

At head office.

**98.** All general meetings, whether annual or special, shall be held at the head office of the company. R.S., c. 37, s. 103.

Notice of meetings.

**99.** At least four weeks' public notice of any meeting shall be given by advertisement published in *The Canada Gazette*, and in at least one newspaper published in the place where the head office is situate.

Place and day.

2 Such notices shall specify the place and the day and the hour of meeting.

Publication.

3. All such notices shall be published weekly.

4. A copy of *The Canada Gazette* containing such notice shall, on production thereof, be sufficient evidence of such notice having been given. R.S., c. 37, s. 104. Evidence of notice.

**100.** Any business connected with or incident to the undertaking may be transacted at an annual meeting, except such business as is, by this Act or the Special Act, required to be transacted at a special meeting. Business.

2. No special meeting shall enter upon any business not set forth in the notice upon which it is convened. R. S., c. 37, s. 105. At special meeting.

**101.** The number of votes to which each shareholder shall be entitled, at any meeting of the shareholders, shall be in the proportion of the number of shares held by him, on which all calls due have been paid. R.S., c. 37, s. 106. Voting.

**102.** Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:— By proxy.

"I, of , one of the shareholders of the , do hereby appoint of , to be my proxy, and in my absence, to vote or give my assent to any business, matter or thing relating to the undertaking of the said that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he, the said thinks proper. Form of proxy.

"In witness whereof, I have hereunto set my hand and seal the day of in the year ."

2. The votes by proxy shall be as valid as if the constituents had voted in person. R.S., c. 37, s. 107. Valid.

**103.** Every matter or thing proposed or considered at any meeting of the shareholders shall, except as otherwise specially provided, be determined by the majority of votes and proxies then present and given. Majority vote.

2. All decisions and acts of any such majority shall bind the company and be deemed the decisions and acts of the company. R.S., c. 37, s. 108. Binding.

**104.** All notices given by the secretary of the company by order of the directors shall be deemed notices by the directors of the company. R.S., c. 37, s. 109. Notices by secretary.

*President and Directors.*

Chosen at annual meeting.

**105.** A board of directors of the company, to manage its affairs, the number of whom shall be stated in the Special Act, shall be chosen at the annual meeting.

Or special meeting.

2. If such election is not held at the annual meeting, the directors shall cause such election to be held at a special meeting duly called for that purpose, within as short a delay as possible after the annual meeting.

Voting.

3. No person shall vote at such special meeting except those who would have been entitled to vote if the election had been held at the annual meeting. R.S., c. 37, s. 110.

Municipal corporations to be represented.

**106.** The mayor, warden, reeve or other head officer of any municipal corporation, in any province of Canada holding stock in any company to the amount of twenty thousand dollars or upwards, shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the Special Act, unless in such Special Act provision is made for the representation of such corporation on the directorate of such company. R. S., c. 37, s. 111.

Qualifications of directors.

**107.** No person shall be a director unless he is a shareholder, owning twenty shares of stock, and has paid all calls due thereon, and is qualified to vote for directors at the election at which he is chosen.

Disability of officers, contractors and sureties.

2. No person who holds any office, place or employment in the company, or who is concerned or interested in any contract under or with the company, or is surety for any contractor with the company, shall be capable of being chosen a director, or of holding the office of director.

Majority of directors British subjects.

3. If the company has received aid towards the construction of its railway or undertaking or any part thereof from the Government, under any Act of the Parliament of Canada, a majority of its directors shall be British subjects. R. S., c. 37, s. 112.

Term of office.

**108.** The directors appointed at the last election, or those appointed in their stead in case of vacancy, shall remain in office until the next ensuing election of directors. R. S., c. 37, s. 113.

Vacancies in directorate.

**109.** Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws. R.S., c. 37, s. 114.

How filled.

**110.** In case of the death, absence or resignation of any of the directors, others may, unless otherwise prescribed by the by-laws, be appointed in their stead by the remaining directors.

2. In case such remaining directors do not constitute a quorum, the shareholders, at a special meeting to be called for that purpose, may, unless otherwise prescribed in the by-laws, elect such other directors. If no quorum.

3. If such appointment or election is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors. R.S., c. 37, s. 115. If not filled.

**111.** The directors shall, at their first or some other meeting after their election, elect one of their number to be the president of the company; and they may, in like manner, elect one or more vice-presidents. President. Vice-president.

2. The president shall hold his office until he ceases to be a director, or until another president has been elected in his stead, and unless otherwise provided by by-law, shall always, when present, be the chairman of and preside at all meetings of the directors. Tenure.

3. In the absence of the president the vice-president, or one of the vice-presidents, according to such priority as may be prescribed by by-law or determined by the directors, shall act as chairman. Duties.

4. In the absence of the president and the vice-president, or vice-presidents, the directors at any meeting at which not less than a quorum are present, shall be competent to elect a chairman from among their number to preside at such meeting. R.S., c. 37, s. 116. Am. Chairman.

**112.** A majority of the directors shall form a quorum. Quorum.

2. The directors at any meeting regularly held, at which not less than a quorum are present, shall be competent to exercise all or any of the powers vested in the directors; and the act of a majority of a quorum of the directors present at any such meeting shall be deemed the act of the directors. R.S., c. 37, s. 117. Acts of quorum binding.

**113** No director shall have more than one vote, except the chairman, who shall, in case of a division of equal numbers, have the casting vote. R.S., c. 37, s. 118. Votes of directors. Casting vote

**114.** The directors shall be subject to the examination and control of the shareholders at their annual meetings, and shall be subject to all by-laws of the company, and to the orders and directions from time to time made or given at the annual or special meetings if such orders and directions are not contrary to or inconsistent with any express direction or provision of this Act or of the Special Act. R.S., c.37, s. 119. Directors subject to shareholders and by-laws.

**115.** No person who is a director of the company shall enter into, or be directly or indirectly, for his own use and Directors not to contract

with company.

benefit, interested in any contract with the company, other than a contract which relates to the purchase of land necessary for the railway, nor shall any such person be or become a partner of or surety for any contractor with the company. R.S., c. 37, s. 120.

Directors may make by-laws.

**116.** The directors may make by-laws or pass resolutions, from time to time, not inconsistent with law, for,—

(*a*) the management and disposition of the stock, property, business and affairs of the company;

(*b*) the appointment of all officers, servants and artificers, and the prescribing of their respective duties and the compensation to be made therefor; and,

(*c*) the retirement of such of said officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service, and under the circumstances, consider just and reasonable.

By-laws for election of officers.

2. The directors may also, from time to time, make by-laws or pass resolutions for the election or appointment of officers of the company, who need not be directors, as vice-presidents of the company, and may by any such by-law or resolution specify the manner of such election or appointment and define the powers, duties, qualifications and term of office of such vice-presidents, each of whom shall have and may exercise, subject to the limitations set forth in any such by-law or resolution, all the powers of a vice-president elected by the directors pursuant to the provisions of section 111 of this Act.

Evidence.

3. A copy of any such by-law or resolution certified as correct by the president, secretary or other executive officer of the company and bearing the seal of the company shall be evidence thereof. R.S., c. 37, ss. 76, 121; 9-10 E. VII., c. 50, s. 3.

Appointment of officers.

**117.** The directors shall, from time to time, appoint such officers as they deem requisite, and shall take such sufficient security as they think proper from the managers and officers, for the time being, for the safe-keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their duties.

Security.

By bond or guarantee.

2. Such security may, as the directors deem expedient, be by bond or by the guarantee of any society or joint stock company incorporated and empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of persons occupying positions of trust, or for other like purposes. R.S., c. 37, s. 122.

Vice-President, powers of.

**118.** In case of the absence or illness of the president, the vice-president or one of the vice-presidents shall have all the rights and powers of the president, and may sign all debentures and other instruments, and perform all acts which, by the regulations and by-laws of the company, or by the Special Act, are required to be signed, performed and done by the president.

Empowering a director to act.

2. In the absence or illness of the president and the vice-president, or vice-presidents, any director of the company acting under the express authority of the board of directors may while so acting exercise the rights and powers of the president or vice-president as hereinbefore set forth.

Entry in minutes.

3. The directors may, at any meeting of the directors, require the secretary of the company to enter such absence or illness among the proceedings of such meeting.

Evidence of absence or illness.

4. A certificate of any such absence or illness signed by the secretary of the company shall be delivered to any person requiring the same on payment to the treasurer of one dollar, and such certificate shall be *prima facie* evidence of the absence or illness therein certified. R.S., c. 37, s. 123. Am.

Copies of minutes to be evidence.

**119.** Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute book, kept by the secretary of the company, and by him certified to be true copies extracted from such minute book, when sealed with the company's seal, shall, without proof of the signature of such secretary, be evidence of such proceedings and resolutions. R.S., c. 37, s. 70.

Accounts.

**120.** The directors shall cause to be kept, and, annually, on the thirtieth day of June, to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company, or by the directors or managers thereof, or otherwise for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors. R.S., c. 37, s. 124.

*Calls.*

How made.

**121.** The directors may, from time to time, make such calls of money as they deem necessary upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, if the intervals between such calls, the notices of each call, and the other provisions of

this Act and of the Special Act, in respect of calls, are duly observed and given.

Notice. 2. At least thirty days' notice shall be given of each call.

Amount. 3. No call shall exceed ten per centum of the amount of each share subscribed, unless otherwise provided in the Special Act.

Intervals. 4. No call shall be made at a less interval than two months from the previous call.

Annual amount. 5. A greater amount shall not be called in, in any one year, than the amount prescribed in the Special Act.

Resolution. 6. Nothing herein contained shall prevent the directors from making more than one call by one resolution of the Board. R. S., c. 37, s. 125. Am.

Publication of notice of call. **122.** At least four weeks' notice of any call upon the shareholders of the company shall be given by weekly publication in *The Canada Gazette*, and in at least one newspaper published in the place where the head office of the company is situate.

Evidence. 2. A copy of *The Canada Gazette* containing any such notice shall on production thereof be sufficient evidence of such notice having been given. R.S., c. 37, s. 126.

Liability of shareholder. **123.** Every shareholder shall be liable to pay the amount of the calls so made, in respect of the shares held by him, to the persons, and at the times and places, from time to time, appointed by the company or the directors. R.S., c. 37, s. 127.

Overdue calls bear interest. **124.** If, on or before the day appointed for payment of any call, any shareholder does not pay the amount of such call, he shall be liable to pay interest upon such amount,

Five per cent. at the rate of five per centum per annum, from the day appointed for the payment thereof to the time of the actual payment. R.S., c. 37, s. 128.

Failure to pay call. **125.** If, at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he

Suit. may be sued therefor in any court of competent jurisdiction, and such amount shall be recoverable with lawful interest from the day on which the call became payable. R.S., c. 37, s. 129.

Pleadings. **126.** In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted 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 and amount of each of such calls. R.S., c. 37, s. 130.

*Dividends and Interest.*

**127.** Dividends, at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, may, from time to time, be declared and paid by the directors out of the net profits of the undertaking. R.S., c . 37, s. 131. Declaration of dividends.

**128.** The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve fund, to meet contingencies, or for equalizing dividends, or for repairing, maintaining, renewing or extending the railway or any portion thereof, and shall submit their action in regard to such reserve fund to the shareholders at a general meeting for their approval. Reserve. fund.

2. The directors may invest the sum so set apart as a reserve fund in such securities, not inconsistent with this or the Special Act, as they select. R.S., c. 37, s. 132. How invested.

**129.** No dividend shall be,— No dividend out of capital.

(*a*) declared whereby the capital of the company is in any degree reduced or impaired; or,

(*b*) paid out of such capital; or,

(*c*) paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid: Or if call unpaid.

Provided that the directors may in their discretion, until the railway is completed and opened to the public, pay interest at any rate, not exceeding five per centum per annum, on all sums actually paid in cash in respect of the shares, from the respective days on which the same have been paid, and that such interest shall accrue and be paid at such times and places as the directors appoint for that purpose. R.S., c. 37, s. 133. Proviso as to interest.

**130.** No interest shall accrue to any shareholder in respect of any share upon which any call is in arrear, or in respect of any other share held by such shareholder while such call remains unpaid. R.S., c. 37, s. 134. No interest if shareholder in arrears.

**131.** The directors may deduct, from any dividend payable to any shareholder, all or any such sum or sums of money as are due from him to the company on account of any call or otherwise. R.S., c. 37, s. 135. Arrears deducted from dividend.

Authorized.

**132.** Subject to the provisions of this Act and of the Special Act, the directors of the company may, when thereunto authorized by the Special Act, issue bonds, debentures, perpetual or terminable debenture stock, or other securities, if duly empowered in that behalf by the shareholders, at any special meeting called for the purpose by notice in the manner provided by this Act, or at any annual meeting in case like notice of intention to apply for such authority at such annual meeting has been given, at which meeting, whether annual or special, shareholders representing at least two-thirds in value of the subscribed stock of the company and who have paid all calls due thereon, are present in person, or represented by proxy.

Procedure.

Securities, how executed.

2. Such securities,—

Bonds.

(*a*) if in the form of bonds, may be signed by the president, or the vice-president or one of the vice-presidents, or a director, and countersigned by the secretary or an assistant or local secretary of the company; and any coupons attached to such bonds shall bear the signature of the treasurer or secretary of the company: Provided that the signature of the president on the bonds, and the signature of the treasurer or secretary on the coupons, may be engraved, lithographed or otherwise mechanically reproduced *fac simile* of such signatures respectively; and such reproduced and all other signatures of the officers aforesaid shall, for all purposes, be valid and binding upon the company, notwithstanding that at the date of the issue or certification of the bonds or coupons the persons whose signatures so appear are not the president, vice-president, director, treasurer or secretary of the company as the case may be;

Debenture stock.

(*b*) if in the form of debenture stock, certificates for such stock may be signed in the same way as herein provided for the signature of bonds, or may be signed by the secretary or an assistant or local secretary of the company and countersigned by the registrar or an assistant or local registrar of the stock for the time being, or such other officers as the directors may designate;

Other securities.

(*c*) if in any form other than bonds or debenture stock, may be signed in the same way as herein provided for the signature of bonds.

When and where payable.

Interest.

3. Such securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding five per centum per annum, as the directors think proper.

4. The directors may, for the purpose of raising money for prosecuting the undertaking, issue, and sell or pledge, all or any of the said securities, at the best price, and upon the best terms and conditions, which at the time they may be able to obtain. Terms of sale.

5. The power of issuing securities conferred upon the company by this Act, or under the Special Act, shall not be construed as being exhausted by any issue, and such power may be exercised from time to time: Provided that the limit to the amount of securities fixed in the Special Act shall not be exceeded. R.S., c. 37, s. 136. Am. Extent of borrowing power.

**133.** When securities issued under the last preceding 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 pledged for loans or advances.

2. 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; When not deemed paid off.

3. The reissue of a security under this section 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. Reissue not a new security.

4. This section 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 therein shall prejudice,— To be retroactive.

(*a*) the operation of any judgment or order of a court of competent jurisdiction pronounced or made in any legal proceedings which were pending on the nineteenth day of May, nineteen hundred and nine, as between the parties to the proceedings, in which judgment was pronounced or the order made, and any appeal from any such judgment or order shall be decided as if this section had not been enacted; Pending proceedings not affected

(*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, Issue of securities in place of those paid off.

or by any mortgage or trust deed securing them. 8-9 E. VII., c. 32, s. 2.

Provincial railways.

**134.** No power to issue or dispose of any such securities conferred by any Special Act of a provincial legislature shall, if such railway is thereafter brought under the legislative authority of the Parliament of Canada, be subsequently exercised without the sanction of the Governor in Council. R.S., c. 37, s. 137.

Mortgage deeds of trust.

**135.** The company may secure such securities by one or more deeds of trust by way of mortgage or charge (to be called mortgage deeds or mortgages) creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described therein: Provided that such property, assets, rents and revenues shall be subject, in the first instance, to the payment of any penalty then or thereafter imposed upon the company for non-compliance with the requirements of this Act, and next, to the payment of the working expenditure of the railway.

Powers which may be granted in mortgage.

2. By such a mortgage deed the company may grant to the holders of such securities or the trustee or trustees named in such mortgage deed all and every the powers, rights and remedies granted by this Act in respect of the said securities, and all other powers, rights and remedies, not inconsistent with this Act, or may restrict the said holders, or trustee or trustees, in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights, and remedies, so provided for in such mortgage deed, shall be valid and binding and available to the said holders and trustee or trustees in manner and form as therein provided. R.S., c. 37, s. 138. Am.

Property excepted from mortgage.

**136.** The company may except from the operation of any such mortgage any assets, property, rents or revenue of the company, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company.

Special description.

2. Where any such exception is made, the company shall in such mortgage deed expressly specify and describe, with sufficient particularity to identify the same, the assets, property, rents or revenue of the company, or the sections or portions of the railway not intended to be included therein or conveyed thereby. R.S., c. 37, s. 139.

Deposit with Secretary of State.

**137.** Every such mortgage deed, and every assig m ( thereof, or other instrument in any way affecting such mortgage or security, shall be deposited in the office of the Secretary of State of Canada, and notice of such deposit shall forthwith be given in *The Canada Gazette*. R.S., c. 37, s. 140 (1).

Notice.

Other filing, deposit or registration not necessary

**138.** Where the provisions of the last preceding section have been complied with, or where by any Act of the Parliament of Canada heretofore or hereafter passed, provision was or is made for the deposit in the office of the Secretary of State of Canada of any mortgage or mortgage deed given to secure the payment of bonds or other securities issued by the company and the provisions with regard to such deposit have been duly complied with, it is hereby declared and enacted that it was and is unnecessary for any purpose that such mortgage, or any assignment thereof, or any other instrument in any way affecting it, should have been or should be otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property: Provided that if such Act expressly required or requires some additional or other deposit, registration or filing, nothing herein contained shall be taken or held to dispense therewith or to waive any non-compliance with such requirement; and provided further, as to matters under such Act, that nothing herein contained shall affect any matter in litigation in or finally decided by any court of justice on the twenty-seventh day of April, nineteen hundred and seven. R.S., c. 37, s. 140 (2); 6-7 E. VII., c. 38, s. 2.

Instruments deposited, evidence of.

**139.** A copy of any mortgage deed securing any bonds, debentures, or other securities issued under the authority of this Act and the Special Act, and of any assignment thereof, or other instrument in any way affecting such mortgage or security, deposited in the office of the Secretary of State of Canada, certified to be a true copy by the Secretary of State, or by the Deputy Registrar General of Canada, shall be *prima facie* evidence of the original, without proof of the signature of such official. R. S., c. 37, s. 73.

Ranking of securities.

**140.** Subject to any lawful restriction or exception contained in the mortgage deed or deeds, the securities so authorized to be issued shall rank upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and the real and personal property thereof, at any time acquired, described in and covered by the mortgage deed or deeds securing such securities respectively, next after the payment of the penalties and the working expenditure

of the railway as hereinbefore provided, and according to the priorities, if any, established in respect of such securities by such mortgage deed or deeds.

Holder a mortgagee.

2. Each holder of the said securities shall be deemed to be a mortgagee or encumbrancee upon the mortgaged premises *pro rata* with all other holders of the same issue and in accordance with and having regard to the priorities, if any, so established; but no proceedings authorized by law, or by this Act, shall be taken to enforce payment of the said securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed or deeds. R.S., c. 37, ss. 141, 142. Am.

No proceedings except through trustee.

Default of company.

**141.** If the company makes default in paying the principal of or interest on any of such securities at the time when such principal or interest, by the terms of the securities, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of such securities so being and remaining in default, shall, in respect thereof, subject to the provisions of the next following section, have and possess the same rights, privileges and qualifications for being elected directors, and for voting at general meetings, as would attach to them as shareholders, if they held fully paid-up shares of the company to a corresponding amount. R.S., c. 37, s. 143.

Rights of security holders.

Limitations affecting such rights.

**142.** The rights given by the last preceding section shall not be exercised by any such holder, unless it is so provided by the mortgage deed, nor unless the security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon.

Registration.

2. The company shall be bound on demand to register such securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares. R.S., c. 37, s. 144.

Other rights not affected.

**143.** The exercise of the rights so given as provided by the last two preceding sections, shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said securities are entitled under the provisions of such mortgage deed. R.S., c. 37, s. 145.

Transfer by delivery.

**144.** All such securities may be made payable to bearer, and shall, in that case, be transferable by delivery until registration thereof, as hereinbefore provided.

2. While so registered, they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares. R.S., c. 37, s. 146. Or writing if registered.

**145.** The company may, for the purposes of the undertaking, borrow money by overdraft or upon promissory note, warehouse receipt, bill of exchange, or otherwise upon the credit of the company, and become party to promissory notes and bills of exchange. Power to borrow by overdraft, etc.

2. Every such note or bill made, drawn, accepted or endorsed by the president or vice-president of the company, or other officer authorized by the by-laws of the company, and countersigned by the secretary of the company, shall be binding on the company, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown. Note or bill of company, how made.

3. It shall not be necessary in any case to have the seal of the company affixed to any such promissory note or bill of exchange. No seal necessary.

4. Nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the note or bill of a bank. R.S., c. 37, s. 147. No bill payable to bearer.

5. Neither the president, vice-president or secretary, nor any other officer of the company so authorized as aforesaid, shall be individually responsible for any such promissory note or bill of exchange made, drawn, accepted or endorsed, or countersigned by him, unless such promissory note or bill of exchange has been issued without proper authority. R.S., c. 37, s. 148. Officers not personally liable.

*Regulation of Stock and Bond Issues.*

**146.** Notwithstanding anything in any Special or other Act, or other section of this Act, no company, whether heretofore or hereafter incorporated, shall, unless heretofore authorized by the Governor General in Council, issue any stock, shares, certificates of stock, bonds, debentures, debenture stock, notes, mortgages or other securities or evidences of indebtedness payable more than one year after the date thereof or issued otherwise than solely for money consideration, without first obtaining leave of the Board for such issue. Leave of Board necessary in certain cases.

2. The Board as it deems the circumstances warrant, may refuse or may grant leave for the proposed issue or may grant leave for such part thereof as it is satisfied is reasonable and proper, and may in any case impose any terms or conditions it may deem proper, and may, if it deems the circumstances warrant, specify a price below which such Powers of Board.

issue shall not be sold, and may specify the purposes for which the proceeds of the issue are to be used, or may provide for the application of such proceeds to such uses as the Board by subsequent order shall specify, and may order that such proceeds shall be so deposited or dealt with as the Board may direct, and may require an accounting to be given for any such proceeds.

Limitation of effect of leave.

3. No leave or order of the Board under this section shall be deemed or taken to constitute any guarantee or representation as to any matter dealt with therein, or to preclude the Board from dealing as it may deem proper with any question of tolls or rates. New.

*Contracts Respecting Rolling Stock.*

Deposit of contract evidencing lease, etc., of rolling stock.

**147.** Any contract evidencing the lease, conditional sale or bailment of rolling stock to a company shall be in writing, duly executed by the parties thereto, and the same or a copy thereof may be deposited in the office of the Secretary of State of Canada, within twenty-one days from the execution thereof, and no contract so deposited need be otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property, and upon the due execution and deposit of any such lease, conditional sale or bailment of rolling stock as aforesaid, the same shall be valid.

Notice of deposit.

2. Notice of such deposit shall forthwith thereafter be given in *The Canada Gazette*. 6–7 E. VII., c. 38, s. 4.

*Purchase of Railway Securities.*

Company not to purchase railway stock.

**148.** No company shall, either directly or indirectly, employ any of its funds in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities, issued by any other railway company in Canada, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities: Provided that nothing in this section shall affect the powers or rights which any company in Canada had or possessed on the first day of February, one thousand nine hundred and four, by virtue of any Special Act, to acquire, have or hold shares, bonds, or other securities of any railway company in Canada or the United States. R. S., c. 37, s. 149.

Existing rights saved.

*Disposing of Lands obtained as Subsidy, etc.*

Company may dispose of lands

**149.** Any company which has obtained from the Crown, by way of subsidy or otherwise, in respect of the construc-

tion or operation of its railway, a right to any land or to an interest in land, has, and from the time of obtaining such right has had, as incident to the exercise of its corporate powers, authority to acquire, sell or otherwise dispose of the same or any part thereof. Land acquired from Crown.

2. Such company may convey such right or interest, or any part thereof, to any other company which has entered into any undertaking for the construction or operation, in whole or in part, of the railway in respect of which such land or interest in land was given; and thereafter such other company shall have, in respect of such land or interest in land, the same authority as that of the company which has so conveyed it. R. S., c. 37, s. 152. May convey right to another company.

**150.** If any lands have been given to the company by any corporation or person, as aid towards, or as consideration in whole or in part for the construction or operation of the company's railway, either generally or with respect to the adoption of any particular route, or on any other account, the authority of the company, and of any other company to which it may convey its right in any of the said lands, shall be the same as if such lands had been obtained by the company from the Crown as aforesaid. R. S., c. 37, s. 153. Lands given to company by any person.

*Purchase of Railway by Person without Corporate Power to operate.*

**151.** If any railway, or any section of any railway, is sold under the provisions of any deed or mortgage, or at the instance of the holders of any mortgage, bonds or debentures, for the payment of which any charge has been created thereon, or under any other lawful proceeding, and is purchased by any person not having corporate power to hold and operate the same, the purchaser shall not run or operate such railway until authority therefor has been obtained as in this section provided. Purchaser to obtain authority to operate.

2. The purchaser shall transmit to the Minister an application in writing stating the fact of such purchase, describing the termini and lines of route of the railway purchased, specifying the Special Act under which the same was constructed and operated, and requesting authority from the Minister to run and operate the railway, and shall with such application transmit a copy of any writing preliminary to the conveyance of such railway, made as evidence of such sale, and also a duplicate or authenticated copy of the deed of conveyance of such railway, and such further details and information as the Minister may require. Application to Minister.

Minister may authorize.

3. Upon any such application, the Minister may, if he is satisfied therewith, grant an order authorizing the purchaser to run and operate the railway purchased until the end of the then next session of the Parliament of Canada, subject to such terms and conditions as the Minister may deem expedient.

Purchaser thereupon authorized to operate railway.

4. The purchaser shall thereupon be authorized for such period only and subject to such order, to operate and run such railway, and, subject to the other provisions of this Act, to take and receive such tolls in respect of traffic carried thereon as the company previously owning and operating the same was authorized to take, and the purchaser shall also be subject to the terms and conditions of the Special Act of the said company, in so far as the same can be made applicable.

Must apply to Parliament.

5. The purchaser shall apply to the Parliament of Canada at the next following session thereof after the granting of such order by the Minister for an Act of incorporation, or other legislative authority, to hold, operate and run the railway.

One extension allowed.

6. If such application is made to Parliament and is unsuccessful, the Minister may extend the order to run and operate such railway until the end of the then next following session of Parliament, and no longer.

Closing of railway.

7. If during such extended period the purchaser does not obtain such an Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister, as may be determined by the Governor in Council. R.S., c. 37, s. 299; 6–7 E. VII., c. 38, s. 9.

*Agreements for Sale, Lease and Amalgamation.*

Agreement for sale, lease or amalgamation of railway.

**152.** Where the company is authorized by any Special Act of the Parliament of Canada to enter into an agreement with any other company (whether within the legislative authority of the Parliament of Canada or not) for selling, conveying or leasing to such company the railway and undertaking of the company, in whole or in part, or for purchasing or leasing from such company the railway and undertaking of such company, in whole or in part, or for amalgamation, such agreement shall be first approved by two-thirds of the votes of the shareholders of each company party thereto, at an annual general meeting, or at a special general meeting, of each company, called for the purpose of considering such agreement, at each of which meetings shareholders representing at least two-thirds in value of the capital stock of each company are present or represented by proxy.

Approval of shareholders.

2. Upon such agreement being so approved, and duly executed, it shall be submitted to the Board with an application for a recommendation to the Governor in Council for the sanction thereof. Board to recommend sanction.

3. Notice of the proposed application for such recommendation shall be published in *The Canada Gazette* for at least one month prior to the time, to be stated therein, for the making of such application, and also, unless the Board otherwise orders, for a like period in one newspaper in each of the counties or electoral districts through which the railway to be sold, leased or amalgamated, runs, in which a newspaper is published. Notice in *Canada Gazette*.

4. Upon such notice being given the Board shall grant or refuse such application, and upon granting the same shall make a recommendation to the Governor in Council for the sanction of such agreement. Action of Board.

5. Upon such agreement being sanctioned by the Governor in Council, a duplicate original of such agreement shall be filed in the office of the Secretary of State of Canada; and thereupon such agreement shall come into force and effect, and notice thereof shall be forthwith given in *The Canada Gazette*. Proceedings upon sanction. Notice.

6. Every railway and undertaking, or part thereof, in respect of which such an agreement is made, upon such agreement being sanctioned by the Governor in Council, shall be deemed and is hereby declared to be a work for the general advantage of Canada; and such railway and undertaking, or such part thereof, and, so far as concerns the same, every company which is a party to the agreement, shall be subject to the provisions of this Act. Railway affected declared for general advantage of Canada.

7. The production of *The Canada Gazette* containing the notice mentioned in subsection 5 of this section shall be *prima facie* evidence that the requirements of this section have been complied with. R.S., c. 37, s. 361. Am. Evidence.

**153.** Upon any agreement for amalgamation coming into effect, as provided in the last preceding section, the companies, parties to such agreement, shall, subject to the provisions of this Act and the Special Act authorizing such agreement to be entered into, be deemed to be amalgamated, and shall form one company, under the name and upon the terms and conditions in such agreement provided; and the amalgamated company shall possess and be vested with all the railways and undertakings, and all other the powers, rights, privileges, franchises, assets, effects, and properties, real, personal and mixed, belonging to, possessed by, or vested in the companies, parties to such agreement, or to which they, or any or either of them, may be or become entitled; and shall be liable for all claims, demands, rights, Amalgamation. Powers, etc., of amalgamated company.

securities, causes of action, complaints, debts, obligations, works, contracts, agreements, or duties, to as full an extent as any or either of such companies was, at or before the time when the amalgamation agreement came into effect. R.S., c. 37, s. 362.

Saving of rights and claims.

**154.** Notwithstanding anything in any agreement made or sanctioned under the provisions of the last two preceding sections, every act, matter or thing done, effected or confirmed under or by virtue of this Act, or the Special Act, before the date of the coming into effect of such agreement, shall be as valid as if such agreement had never come into effect; and such agreement shall be subject and without prejudice to every such act, matter or thing, and to all rights, liabilities, claims and demands, present or future, which would be incident to, or consequent upon such act, matter or thing if such agreement had never come into effect.

Amalgamated company in place of former companies.

2. In the case of an agreement for amalgamation, as to all acts, matters and things so done, effected or confirmed, and as to all such rights, liabilities, claims and demands, the amalgamated company shall for all purposes stand in the place of and represent the companies who are parties thereto and the generality of the provisions of this section shall not be deemed to be restricted by any Special Act, unless this section is expressly referred to in such Special Act, and expressly limited or restricted thereby. R.S., c. 37, s. 363.

*Agreements for Interchange of Traffic and Running Rights.*

Directors may make traffic agreements.

**155.** The directors of the company may, at any time, make and enter into any agreement or arrangement, not inconsistent with the provisions of this or the Special Act, with any other company, either in Canada or elsewhere, for the interchange of traffic between their railways or vessels, and for the division and apportionment of tolls in respect of such traffic.

And agreements for—

2. The directors may also make and enter into any agreement or arrangements, not inconsistent with the provisions of this or the Special Act, for any term not exceeding twenty-one years,—

Running powers;

(*a*) for the running of the trains of one company over the tracks of another company;

Division of tolls;

(*b*) for the division and apportionment of tolls in respect of such traffic;

Management and working;

(*c*) generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith; and,

(*d*) to provide, either by proxy or otherwise, for the appointment of a joint committee for the better carrying into effect of any such agreement or arrangement, with such powers and functions as are considered necessary or expedient; Joint committee.

subject to the like consent of the shareholders, the sanction of the Governor in Council upon the recommendation of the Board, application, notices and filing, as hereinbefore provided with respect to amalgamation agreements: Provided that publication of notices in *The Canada Gazette* shall be sufficient notice, and that the duplicate original of such agreement or arrangement shall, upon being sanctioned, be filed with the Board. Conditions. Proviso.

3. The Board may, notwithstanding anything in this section, by order or regulation, exempt the company from complying with any of the foregoing conditions, with respect to any such agreement or arrangement made or entered into by the company for the transaction of the usual and ordinary business of the company, and where such consent of the shareholders is deemed by the Board to be unnecessary. Board may exempt from conditions.

4. Neither the making of any such arrangement or agreement, nor anything therein contained, nor any approval thereof, shall restrict, limit, or affect any power by this Act vested in the Board, or relieve the companies from complying with the provisions of this Act. R.S., c. 37, s. 364. Saving.

*Insolvent Companies.*

**156.** Where a company is unable to meet its engagements with its creditors, the directors may prepare a scheme of arrangement between the company and its creditors, and may file it in the Exchequer Court. Scheme may be filed in Exchequer Court.

2. Such scheme of arrangement may or may not include provisions for settling and defining any rights of shareholders of the company as among themselves, and for the raising if necessary of additional share and loan capital. May affect shareholders and capital.

3. There shall be filed with such scheme of arrangement,—

(*a*) a declaration in writing under the common seal of the company to the effect that the company is unable to meet its engagements with its creditors; and, Declaration to be filed.

(*b*) an affidavit made by the president and directors of the company, or by a majority of them, that such declaration is true to the best of their respective judgments and beliefs. Affidavit.

4. After the filing of the scheme, the Exchequer Court may, on the application of the company, on summons or motion in a summary way, restrain any action against Court may restrain action.

the company on such terms as the Exchequer Court thinks fit.

Notice of filing.

5. Notice of the filing of the scheme shall be published in *The Canada Gazette*.

No execution without leave.

6. After such publication of notice, no execution, attachment, or other process against the property of the company shall be available without leave of the Exchequer Court, to be obtained on summons or motion in a summary way. R.S., c. 37, s. 365.

Assent to scheme. By bondholders.

**157.** The scheme shall be deemed to be assented to,—

(*a*) by the holders of mortgages or bonds issued under the authority of this or any Special Act relating to the company, when it is assented to in writing by three-fourths in value of the holders of such mortgages or bonds;

By debenture holders.

(*b*) by the holders of debenture stock of the company, when it is assented to in writing by three-fourths in value of the holders of such stock;

By charge holders.

(*c*) by the holders of any rent charge, or other payment, charged on the receipts of or payable by the company in consideration of the purchase of the undertaking of another company, when it is assented to in writing by three-fourths in value of such holders;

By preference shareholders.

(*d*) by the guaranteed or preference shareholders of the company, when it is assented to in writing by three-fourths in value of such shareholders, if there is only one class of such shareholders, or three-fourths in value of each class, if there are more classes of such shareholders than one;

By ordinary shareholders.

(*e*) by the ordinary shareholders of the company, when it is assented to by a special meeting of the company called for that purpose.

Assent of leasing company.

2. Where the company is lessee of a railway, the scheme shall be deemed to be assented to by the leasing company when it is assented to,—

Bondholders.

(*a*) in writing, by three-fourths in value of the holders of mortgages, bonds and debenture stock of the leasing company;

Preference shareholders.

(*b*) in writing, by three-fourths in value of the guaranteed or preference shareholders of the leasing company, if there is only one such class, and by three-fourths in value of each class, if there are more classes than one of such shareholders; and,

Ordinary shareholders.

(*c*) by the ordinary shareholders of the leasing company, at a special meeting of that company called for that purpose.

No assent required from class

3. The assent to the scheme of any class of holders of mortgages, bonds or debenture stock, or of any class of

holders of a rent charge or other payment as aforesaid, or of any class of guaranteed or preference shareholders, or of a leasing company, shall not be requisite in case the scheme does not prejudicially affect any right or interest of such class or company. R.S., c. 37, s. 366. not interested.

**158.** If, at any time within three months after the filing of the scheme, or within such extended time as the Exchequer Court, from time to time, thinks fit to allow, the directors of the company consider the scheme to be assented to, as by this Act required, they may apply to the Exchequer Court by petition in a summary way for confirmation of the scheme. Application for confirmation of scheme.

2. Notice of any such application shall be published in *The Canada Gazette*. Notice of application

3. The Court, after hearing the directors, and any creditors, shareholders or other persons whom it thinks entitled to be heard on the application, may confirm the scheme, if satisfied that the scheme has been assented to, as required by this Act, within three months after the filing of it, or within such extended time, if any, as the Court has allowed, and that no sufficient objection to the scheme has been established. Confirmation of court.

4. The scheme when confirmed shall be enrolled in the Exchequer Court, and thenceforth it shall be binding and effectual to all intents, and the provisions thereof shall, against and in favour of the company and all persons assenting thereto or bound thereby, have the like effect as if they had been enacted by Parliament. Enrolment in court.

5. Notice of the confirmation and enrolment of the scheme shall be published in *The Canada Gazette*. R.S., c. 37, s. 367. Notice thereof.

**159.** The Judge of the Exchequer Court may make general rules for the regulation of the practice and procedure of the Court under the three last preceding sections of this Act, which rules shall have force and effect when they are approved by the Governor in Council. R.S., c. 37, s. 368. Rules of practice.

**160.** The company shall at all times keep at its principal or head office printed copies of the scheme when confirmed and enrolled, and shall sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy. R.S., c. 37, s. 369. Copies of the scheme to be kept for sale.

*Sale of Subsidized Railways not kept in Repair.*

Subsidized railways must be in safe and efficient condition.

**161.** Whenever it is made to appear to the Minister that any railway owned by a company incorporated by the Parliament of Canada, the construction of which has been aided by a subsidy from the Government of Canada, cannot by reason of the condition of such railway or of its equipment be safely and efficiently operated, the Minister may apply to the Board for an order that the said railway, or its equipment, or both, shall be put in a safe and efficient condition, which order the Board is hereby authorized to make after such notice to the president or manager of the company and the trustee of the bondholders, if any, as to the Board seems reasonable, and the Board may, by order, direct what repairs, improvements or additions shall be made to the said railway, or equipment, or both, and within what times the same shall be undertaken and completed respectively.

Application to Board.

On failure of company to comply with order, a lien may be created.

2. If the company fails to comply with such order of the Board, the Governor in Council may, upon the recommendation of the Minister, approve of such order, and direct that a copy of such order and of the order of the Governor in Council approving thereof, certified by the Secretary of the Board and the Clerk of the Privy Council respectively, shall be filed by the Minister in the office of the Registrar of Deeds of each county through which such railway runs, and upon such orders being so filed there shall, *ipso facto*, be created a first lien or mortgage upon the said railway and its equipment in favour of His Majesty for the amount of the said subsidy, which shall immediately thereupon become due and payable to His Majesty. Such lien may be enforced by His Majesty in the same manner and by the like proceedings as any other lien upon property may be enforced by His Majesty in the Exchequer Court of Canada. The said Court may order such railway and its equipment to be sold to satisfy such lien, and pending such lien may appoint a receiver to manage and operate such railway. Any moneys realized from such sale may, with the consent of the purchaser, be applied by the Minister under the direction of the Chief Engineer of Government Railways towards the repair and improvement of such railway and equipment so far as the same may be deemed necessary by the Minister, and any moneys so realized, and not in the opinion of the Minister required for such repairs and improvements, may be paid to the company owning the railway at the time of the sale, or to the trustee for the holders of any outstanding bonds or other securities secured upon such railway. 1-2 G.V., c. 22, s. 13. Am.

Enforcement of lien.

*Limitation of Time for Construction.*

Commencement.

**162.** (*a*) If the construction of the railway is not commenced and fifteen per centum of the amount of the capital stock is not expended thereon in survey and actual construction work, or, in the case of a branch or extension of the railway, if fifteen per centum of the bond issue authorized therefor is not expended thereon in actual construction work, within two years after the passing of the Act authorizing the construction of such railway, branch or extension, as the case may be, or, where the Parliament of Canada grants an extension of the time for commencing such construction, within the time so granted; or,

Completion

(*b*) if the railway or branch or extension, as the case may be, is not completed and put in operation within five years from the passing of such Act, or, where the Parliament of Canada grants an extension of time for completion, within the time so granted;

then the powers granted by such Act or by this Act shall cease and be null and void as respects so much of the railway or branch or extension, as the case may be, as then remains uncompleted. R. S., c. 37, s. 150. Am.

*General Powers.*

Powers of company.

**163.** The company may, for the purposes of the undertaking, subject to the provisions in this and the Special Act contained,—

Entry upon lands.

(*a*) enter into and upon any Crown lands without previous license therefor, or into or upon the lands of any person whomsoever, lying in the intended route or line of the railway, and make surveys, examinations or other necessary arrangements on such lands for fixing the site of the railway, and set out and ascertain such parts of the lands as are necessary and proper for the railway;

Surveys.

Receive grants and bonuses.

(*b*) receive, take and hold, all voluntary grants and donations of lands or other property or any bonus of money or debentures, or other benefit of any sort, made to it for the purpose of aiding in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants or donations only;

Acquire property.

(*c*) purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance and operation of the railway, and also

Dispose of

property not required.

alienate, sell or dispose of, any lands or property of the company which for any reason have become not necessary for the purposes of the railway;

Placing o railway.

(*d*) make, carry or place the railway across or upon the lands of any person on the located line of the railway;

Cross and connect with other railways.

(*e*) cross any railway, or join the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection;

Construct. and operate railways.

(*f*) make, complete, operate, alter and maintain the railway with one or more sets of rails or tracks, to be worked by the force and power of steam, electricity, or of the atmosphere, or by mechanical power, or any combination of them;

Buildings, equipment, etc.

(*g*) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharfs, docks, elevators, and other structures, and construct, purchase and acquire stationary or locomotive engines, rolling stock,and other apparatus necessary for the accommodation and use of the traffic and business of the railway;

Branch railways.

(*h*) make branch railways, and manage the same, and for that purpose exercise all the powers, privileges and authority necessary therefor, in as full and ample a manner as for the railway;

Transport passengers and freight.

(*i*) take, transport, carry and convey persons and goods on the railway, and regulate the time and manner in which the same shall be transported, and the tolls to be charged therefor;

Remove trees.

(*j*) fell or remove any trees which stand within one hundred feet from either side of the right of way of the railway, or which are liable to fall across any railway track;

Make tunnels and other works.

(*k*) make or construct in, upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences;

Divert highways and waterways.

(*l*) divert or alter, as well temporarily as permanently, the course of any such river, stream, watercourse or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway;

Construct drains.

(*m*) make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

Divert drains, pipes and wires.

(*n*) divert or alter the position of any water pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric lines, wires or poles;

(*o*) construct, acquire and use telegraph, telephone or electric lines and plant; Telegraph, etc.

(*p*) from time to time alter, repair or discontinue the works hereinbefore mentioned, or any of them, and substitute others in their stead; and, Alter and substitute other works.

(*q*) do all other acts necessary for the construction, maintenance and operation of the railway. R.S., c. 37, s. 151. Other necessary acts.

2. The tracks of every railway, the construction of which is hereafter commenced, shall be of the standard gauge of four feet eight and one-half inches, unless otherwise permitted by the Board. New. Gauge.

**164.** The company shall restore, as nearly as possible, to its former state, any river, stream, watercourse, highway, water pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric line, wire or pole, which it diverts or alters, or it shall put the same in such a state as not materially to impair the usefulness thereof. R.S., c. 37, s. 154. Diversions and alterations, to be made good.

**165.** The company shall, in the exercise of the powers by this or the Special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein and in the Special Act provided, to all persons interested, for all damage by them sustained by reason of the exercise of such powers. R.S., c. 37, s. 155. Damage. Compensation.

**166.** Any company operating a railway from any point in Canada to any point on the international boundary line may exercise, beyond such boundary, in so far as permitted by the laws there in force, the powers which it may exercise in Canada. R.S. c. 37, s. 156. Exercise of powers in United States.

*Commencement of Works.*

**167.** The company shall not, except as in this Act otherwise provided, commence the construction of the railway, or any section or portion thereof, until the general location has been approved by the Board as hereinafter provided, nor until the plan, profile and book of reference have been sanctioned by and deposited with the Board and duly certified copies thereof deposited with the registrars of deeds, in accordance with the provisions of this Act. R.S., c. 37, s. 168 (1). Am. Requirements before works commenced.

LOCATION OF LINE.

*Approval of Board.*

**168.** The company shall prepare, and submit to the Board, in duplicate, a map showing the general location of Map.

Contents. the proposed line of the railway, the termini and the principa towns and places through which the railway is to pass, giving the names thereof, the railways, navigable streams and tide-waters, if any, to be crossed by the railway, and such as may be within a radius of thirty miles of the proposed railway, and, generally, the physical features of the country through which the railway is to be constructed, and shall give such further or other information as the Board may require.

Scale. 2. Such map shall be prepared upon a scale not smaller than six miles to the inch, or upon such other appropriate scale as the Board may determine, and shall be accompanied by an application in duplicate, stating the Special Act authorizing the construction of such railway, and requesting the Board's approval of the general location as shown on the said map.

Application.

Approval of Board. 3. The Board may approve such map and location, or any portion thereof, or may make or require such changes and alterations therein as it deems expedient; but if the Board deems that the construction of a railway upon the proposed location or upon any portion thereof is not in the public interest it shall refuse approval of the whole or of such portion; and in any case where the Board deems it in the public interest it may, as to any portion of the proposed railway, make any order, or require the taking of any proceedings, provided for by section 194 of this Act.

Filing.

Board may approve whole or portion. 4. Where the Board approves the whole or any portion of such map and location such approval shall be signified upon the map and the duplicate thereof accordingly.

5. The map when so approved and the application shall be filed in the Department of Railways and Canals and the duplicate thereof with the Board.

Application of section. 6. The provisions of this section shall only apply to the main line, and to branch lines over six miles in length. R.S., c. 37, s. 157. Am.

*Plan, Profile and Book of Reference.*

Plan, profile and book of reference **169.** Upon compliance with the provisions of the last preceding section, the company shall make a plan, profile and book of reference of the railway.

2. The plan shall show,—

Plan. (*a*) the right of way, with lengths of sections in miles;

(*b*) the names of terminal points ;

(*c*) the station grounds ;

(*d*) the property lines and owners' names;

(*e*) the areas and length and width of lands proposed to be taken, in figures, stating every change of width;

(*f*) the bearings; and,

(*g*) all open drains, watercourses, highways and railways proposed to be crossed or affected.

Profile.

3. The profile shall show the grades, curves, highway and railway crossings, open drains and watercourses.

Book of reference.

4. The book of reference shall describe the portion of land proposed to be taken in each lot to be traversed, giving numbers of the lots, and the area, length and width of the portion of each lot proposed to be taken, and names of owners and occupiers so far as they can be ascertained.

Further information.

5. The Board may require any additional information for the proper understanding of the plan and profile.

Sections.

6. The plan, profile and book of reference may be of a section or sections of the railway.

Quebec.

7. In the province of Quebec the portion of the railway comprised in each municipality shall be indicated on the plan, and in the book of reference, by separate number or numbers. R.S., c. 37, s. 158.

Plans and profiles, how prepared.

**170.** All plans and profiles required by law to be deposited by the company with the Board, shall be drawn to such scale, with such detail, upon such materials, and shall be of such character, as the Board may, either by general regulation, or in any case, require or sanction.

Certification.

2. All such plans and profiles shall be certified and signed by the president or vice-president or general manager, and also by the engineer of the company.

Book of reference.

3. Any book of reference, required to be so deposited, shall be prepared to the satisfaction of the Board.

Board may refuse sanction.

4. Unless and until such plan, profile and book of reference are so made satisfactory to the Board, the Board may refuse to sanction the same, or to allow the same to be deposited with the Board. R.S., c. 37, s. 165.

*Sanction of Board.*

Sanction by Board.

**171.** Such plan, profile and book of reference shall be submitted to the Board which, if satisfied therewith, may sanction the same.

Effect.

2. The Board by such sanction shall be deemed to have approved merely the location of the railway and the grades and curves thereof, as shown in such plan, profile and book of reference, but not to have relieved the company from otherwise complying with this Act.

Board may sanction deviation of 1 mile.

3. In granting any such sanction the Board shall be bound by the general location as already approved by the Board, and shall not, without the filing of an amended map of the general location with the Department of Railways

nd Canals, sanction a deviation of more than one mile from any one point on the said general location so approved.

Further information.

4. Before sanctioning any plan, profile or book of reference of a section of a railway, the Board may require the company to submit the plan, profile and book of reference of the whole or of any portion of the remainder of the railway, or such further or other information as the Board may deem expedient. R.S., c. 37, s. 159 (1)–(4).

Board may fix time for acquiring land.

**172.** In granting any such sanction, or in giving leave under any provision of this Act to take lands without the consent of the owner, the Board may fix a period,—

(*a*) within which the company must acquire the lands or take the necessary steps for such purpose; or

(*b*) within which the notice mentioned in section 216 shall be conclusively deemed to have been given.

Application for time limit.

2. In the event of the order granting such sanction or leave, whether made before or after the passing of this Act, providing no such time limit, any owner or person interested in the lands may apply to the Board for an order that the company shall acquire such lands, or take the necessary steps for such purpose, within such time as the Board deems proper, and thereupon the Board may make such order in the premises as appears just.

Company must acquire within one year.

3. Where no time is fixed by the Board as above mentioned, if the company, within one year after any such sanction or leave has been given by the Board, or in any case where no such sanction or leave is necessary, if the company within one year after the plan, profile and book of reference have been deposited with the registrar of deeds, does not either acquire the lands covered by such sanction, leave, or plan, profile and book of reference, or give the notice mentioned in section 216 in respect thereof, the company's right to take or enter upon, without the consent of the owner, any part of such lands which it has not within the said year either acquired or given such notice in respect of, shall at the expiration of such year absolutely cease and determine, unless the Board, after notice to the owner and upon such terms as the Board may deem proper, otherwise orders. 1–2 G.V., c. 22, s. 4. Am.

*Deposit of Plans, etc., after Sanction.*

Deposit with Board.

**173.** The plan, profile and book of reference, when so sanctioned, shall be deposited with the Board, and each plan shall be numbered consecutively in order of deposit.

With registrar of deeds

2. The company shall also deposit copies thereof, or of such parts thereof as relate to each district or county through

which the railway is to pass, duly certified as copies by the Secretary, in the offices of the registrars of deeds for such districts or counties respectively. R.S., c. 37, s. 160.

*Errors.*

Errors.

**174.** The railway may be made, carried or placed across or upon the lands of any person on the located line, although through error or any other cause, the name of such person has not been entered in the book of reference, or although some other person is erroneously mentioned as the owner of or entitled to convey, or as interested in such lands. R.S., c. 37, s. 161.

Corrections.

**175.** Where any omission, misstatement or error is made in any plan, profile or book of reference so registered, the company may apply to the Board for a certificate to correct the same.

Procedure.

Notice.

2. The Board may, in its discretion, require notice to be given to parties interested, and, if it appears to the Board that such omission, misstatement or error arose from mistake, may grant a certificate setting forth the nature of the omission, misstatement or error and the correction allowed.

Deposit.

3. Upon the deposit of such certificate with the Board, and of copies thereof, certified as such by the Secretary, with the registrars of deeds of the districts or counties, respectively, in which such lands are situate, the plan, profile or book of reference shall be taken to be corrected in accordance therewith, and the company may, thereupon, subject to this Act, construct the railway in accordance with such correction.

Powers of two justices.

4. Two justices may exercise the powers of the Board under this section. R.S., c. 37, s. 162.

*Deposit of Plans, etc., of Completed Railway.*

Plan and profile of completed line must be filed.

**176.** A plan and profile of the completed railway or of any part thereof which is completed and in operation, and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, or within six months after beginning to operate any such completed part, as the case may be, or within such extended or renewed period as the Board at any time directs, be made and filed with the Board.

With Board.

At registry offices.

2. Plans of the parts of such railway so completed or in operation located in different districts and counties, prepared on such a scale, and in such manner and form, and signed or authenticated in such manner, as the Board may from time to time, by general regulation or in any individual case,

sanction or require, shall be filed in the registry offices for the districts and counties in which such parts are respectively situate. R.S., c. 37, s. 164.

*Duties of Registrars of Deeds.*

Duties of registrars of deeds.

**177.** Every registrar of deeds shall receive and preserve in his office, all plans, profiles, books of reference, certified copies thereof, and other documents, required by this Act to be deposited with him, and shall endorse thereon the day, hour and minute when the same were so deposited.

Extracts and copies.

Fees.

2. All persons may resort to such plans, profiles, books of reference, copies and documents so deposited, and may make extracts therefrom, and copies thereof, as occasion requires, paying the registrar therefor at the rate of ten cents for each hundred words, so copied or extracted, and ten cents for each copy made of any plan or profile.

Registrar to furnish certified copies.

3. The registrar shall, at the request of any person, certify copies of any plan, profile, book of reference, certified copy thereof, or other document, deposited in his office under the provisions of this Act, or of such portions thereof as may be required, on being paid therefor at the rate of ten cents for each hundred words copied, and such additional sum, for any copy of plan or profile furnished by him, as is reasonable and customary in like cases, together with fifty cents for each certificate given by him.

Certificate of registrar.

4. Such certificate of the registrar shall set forth that the plan, profile or document, a copy of which, or of any portion of which, is certified by him, is deposited in his office, and shall state the time when it was so deposited, and that he has carefully compared the copy certified with the document on file, and that the same is a true copy of such original.

Evidence.

5. Such certified copy shall be *prima facie* evidence of the original so deposited, that such original was so deposited at the time stated and certified, and that the same was signed, certified, attested or otherwise executed by the persons by whom and in the manner in which the said original purports to be signed, certified, attested or executed, as shown or appearing by such certified copy; and, in the case of a plan, that such plan is prepared according to a scale and in a manner and form sanctioned by the Board. R.S., c. 37, ss. 163, 74.

*Board may Require Further Plans, etc.*

Further plans, etc., as Board requires.

**178.** In addition to the plans, profiles and books of reference elsewhere provided for, the company shall, with all reasonable expedition, prepare and deposit with the Board, any other or further plans, profiles, or books of

reference of any portion of the railway, or of any siding, station or works thereof, which the Board may from time to time order or require. R.S., c. 37, s. 166.

*Deviations, Changes and Removal.*

Deviations, changes or alterations.

**179.** If any deviation, change or alteration is required by the company to be made in the railway, or any portion thereof, as already constructed, or as merely located and sanctioned, a plan, profile and book of reference of the portion of such railway proposed to be changed, showing the deviation, change or alteration proposed to be made, shall, in like manner as hereinbefore provided with respect to the original plan, profile and book of reference, be submitted for the approval of the Board, and may be sanctioned by the Board.

Plan, profile, etc.

Sanction.

Deposit.

2. The plan, profile and book of reference of the portion of such railway so proposed to be changed shall, when so sanctioned, be deposited and dealt with as hereinbefore provided with respect to such original plan, profile and book of reference.

Company may execute works.

3. The company may thereupon make such deviation, change, or alteration, and all the provisions of this Act shall apply to the portion of such line of railway, at any time so changed or proposed to be changed, in the same manner as they apply to the original line.

Board may dispense with proceedings.

4. The Board may, either by general regulation, or in any particular case, exempt the company from submitting the plan, profile and book of reference,as in this section provided, where such deviation, change, or alteration, is made, or to be made, for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting the railway, or for any other purpose of public advantage, as may seem to the Board expedient, if such deviation, change, or alteration does not exceed three hundred feet from the centre line of the railway, located, or constructed, in accordance with the plans, profiles and books of reference deposited with the Board under this Act.

Termini to be observed.

5. Nothing in this section shall be taken to authorize any extension of the railway beyond the termini mentioned in the Special Act. R.S., c. 37, s. 167.

Unauthorized changes forbidden.

**180.** The company shall not, at any time, make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of the last preceding section are fully complied with, or remove, close, or abandon any station, or divisional point without leave of the Board; and where a change is made in the location of a divisional point the company shall compensate its employees as the

Compensation.

Board deems proper for any financial loss caused to them by change of residence necessitated thereby. 3–4 G. V., c. 44, s. 2.

*Branch Lines.*

Power to construct.

**181.** The company may, for the purposes of its undertaking, construct, maintain and operate branch lines, not exceeding in any one case six miles in length, from the main line of the railway or, except as hereinafter provided, from any branch thereof. R.S., c. 37, s. 221.

Procedure.

**182.** Before commencing to construct any such branch line, the company shall,—

Plans, etc.

(*a*) make a plan, profile and book of reference, showing the proposed location of the branch line, with the particulars hereinbefore required as to plans, profiles and books of reference of the main line, and deposit the same, or such parts thereof as relate to each district or county through which the branch line is to pass, in the offices of the registrars of deeds for such districts or counties respectively;

Notice of application to Board.

(*b*) upon such deposit, give four weeks' public notice of its intention to apply to the Board under this section, in some newspaper published in each county or district through which the branch line is to pass, or, if there should be no newspaper published in such county or district, then for the same period in *The Canada Gazette:* Provided that the Board may dispense with or shorten the time of such notice in any case where it deems proper; and,

Papers to be submitted.

(*c*) after the expiration of the notice submit to the Board, upon such application, a duplicate of the plan, profile and book of reference so deposited. R.S., c. 37, s. 222.

Board may authorize branch line.

**183.** The Board, if satisfied that the branch line is necessary in the public interest or for the purpose of giving increased facilities to business, and if satisfied with the location of such branch line, and the grades and curves as shown on such plan, profile and book of reference, may, in writing, authorize the construction of the branch line in accordance with such plan, profile and book of reference, or subject to such changes in location, grades and curves as the Board may direct.

Time for construction.

2. Such authority shall limit the time, not exceeding two years, within which the company shall construct and complete such branch line. R.S., c. 37, s. 223.

**184.** There shall be deposited with the Board the authority and the duplicate of such plan, profile and book of reference, together with such papers and plans as are necessary to show and explain any changes directed by the Board, under the provisions of the last preceding section. Papers to be deposited with Board.

2. The company shall deposit in the registry offices of the counties or districts through which the branch line is to pass, copies, certified as such by the Secretary, of the authority, and of the papers and plans, showing any changes directed by the Board. Copies with registrars of deeds.

3. No branch line shall be,— No extension allowed.

(*a*) extended under the foregoing provisions for the construction of branch lines; or,

(*b*) constructed so as to form, in effect, an extension of the railway beyond the termini mentioned in the Special Act.

4. Except with reference to branch lines authorized by the Special Act to be constructed between any two points or places definitely fixed or named therein, no power to construct branch lines in any Special Act contained, inconsistent with the foregoing provisions for the construction of branch lines, shall have any force or effect after the first day of February, one thousand nine hundred and seven: Provided that nothing in this subsection shall be deemed to take away or impair the rights or powers of any company under any contract with the Government of Canada, approved and ratified by a Special Act of the Parliament of Canada. R.S., c. 37, s. 224. Special Act controlled. Saving.

**185.** Upon compliance with the requirements of the last four preceding sections all the other provisions of this Act, except those relating to the sanction by the Board of the plan, profile and book of reference of the railway, and the deposit thereof with the Board and in the offices of the registrars of deeds for the districts or counties through which the railway is to pass, shall, in so far as applicable, apply to the branch lines so authorized, and to the lands to be taken for such branch lines. R.S., c. 37, s. 225. Provisions applicable.

*Industrial Spurs.*

**186.** Where any industry or business is established or intended to be established, within six miles of the railway, and the owner of such industry or business, or the person intending to establish the same, is desirous of obtaining railway facilities in connection therewith, but cannot agree with the company as to the construction and operation of a spur or branch line from the railway thereto, the Board may, on the application of such owner or person, and upon Branch lines required by owner of any industry.

being satisfied of the necessity for such spur or branch line in the interests of trade, order the company to construct, maintain and operate such spur or branch line, and may direct such owner or person to deposit in some chartered bank such sum or sums as are by the Board deemed sufficient, or are by the Board found to be necessary to defray all expenses of constructing and completing the spur or branch line in good working order, including the cost of the right of way, incidental expenses and damages.

Owner to deposit cost.

Payment therefrom to the company.

2. The amount so deposited shall, from time to time, be paid to the company upon the order of the Board, as the work progresses.

Repayment to owner by rebate on tolls.

3. The aggregate amount so paid by the applicant in the construction and completion of the said spur or branch line shall be repaid or refunded to the applicant by the company by way of rebate, to be determined and fixed by the Board, out of or in proportion to the tolls charged by the company in respect of the carriage of traffic for the applicant over the said spur or branch line.

Lien to owner meantime.

4. Until so repaid or refunded, the applicant shall have a special lien for such amount upon such branch line, to be reimbursed by rebate as aforesaid.

Discharge of lien.

5. Upon repayment by the company to such applicant of all payments made by the applicant upon such construction, the said spur or branch line, right of way and equipment shall become the absolute property of the company free from any such lien.

Operation of branch to be regulated by Board.

6. The operation and maintenance of the said spur or branch line by the company, shall be subject to and in accordance with such order as the Board makes with respect thereto, having due regard to the requirements of the traffic thereon, and to the safety of the public and of the employees of the company.

Provisions applicable.

7. All the provisions of this Act respecting the construction of spur or branch lines shall apply to any spur or branch line constructed under this section. R.S., c. 37, s. 226.

Use of spur for another industry.

**187.** Notwithstanding any agreement or arrangement made, or anything done, under the last preceding section, the Board may, on application, permit any owner of another industry or business or any person intending to establish another industry or business, within six miles of the railway, to have traffic carried over any spur or branch line, or any part thereof, constructed pursuant to the said section: Provided that any terms and conditions which the Board thinks just and reasonable shall always be imposed, and regard shall always be had to the convenience of the owner or person having senior rights in such spur or branch line. New.

**188.** No branch line or spur constructed pursuant to either of the last two preceding sections shall be removed without the consent of the Board. New. Removal.

*Stations.*

**189.** Before the company proceeds to erect any station upon its railway, the location of such station shall be approved of by the Board. Stations, location of to be approved by Board

2. Every station of the company shall be erected, operated and maintained with good and sufficient accommodation and facilities for traffic. Facilities.

3. The company shall erect, maintain and operate stations at any points on the railway designated by the Board, and shall provide such accommodation and facilities in connection therewith as the Board directs. Board may order station.

4. In the case of any railway, whether subject to the legislative authority of the Parliament of Canada or not, subsidized in money or in land, after the eighteenth day of July, one thousand nine hundred, under the authority of an Act of the Parliament of Canada, the payment and acceptance of such subsidy shall be taken to be subject to the covenant or condition, whether expressed or not in any agreement relating to such subsidy, that the company, for the time being owning or operating such railway, shall, when thereto directed by order of the Board, maintain and operate stations, with such accommodation or facilities in connection therewith as are defined by the Board, at such points on the railway as are designated in such order. R.S., c. 37, s. 258. Am. On railways subsidized by Parliament.

THE TAKING AND USING OF LANDS.

*Restrictions—Crown Lands.*

**190.** No company shall take possession of, use or occupy any lands vested in the Crown, without the consent of the Governor in Council. Crown lands.

2. Any railway company may, with such consent, upon such terms as the Governor in Council prescribes, take and appropriate, for the use of its railway and works, so much of the lands of the Crown lying on the route of the railway which have not been granted or sold, as is necessary for such railway, and also so much of the public beach, or bed of any lake, river or stream, or of the land so vested covered with the waters of any such lake, river or stream as is necessary for making and completing and using its said railway and works. Consent.

3. The company may not alienate any such lands so taken, used or occupied. May not alienate.

In trust.

Compensation.

4. Whenever any such lands are vested in the Crown for any special purpose, or subject to any trust, the compensation money which the company pays therefor shall be held or applied by the Governor in Council for the like purpose or trust. R.S., c. 37, s. 172.

*Public Beach and Waters.*

Public beach and lands covered with water.

**191.** The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the railway, shall not exceed the quantity hereinafter limited in the case of lands which may be taken without the consent of the owner. R.S., c. 37, s. 173.

*Naval and Military Lands*

Naval or military lands.

**192.** Whenever it is necessary for the company to occupy any part of the lands belonging to the Crown reserved for naval or military purposes, it shall first apply for and obtain the license and consent of the Crown, under the hand and seal of the Governor General.

License or consent.

2. No such license or consent shall be given, except upon a report first made thereupon by the naval or military authorities, in which such lands are for the time being vested, approving of such license and consent being so given.

Entry.

3. The company may, with such license and consent, at any time or times enter into and enjoy any of the said lands for the purposes of the railway. R.S., c. 37, s. 174.

*Indian Lands.*

Indian lands

**193.** No company shall take possession of or occupy any portion of any Indian reserve or lands, without the consent of the Governor in Council.

Consent.

2. When, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any railway company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor as in the case of lands taken without the consent of the owner. R.S., c. 37, s. 175.

*Other Railways.*

Lands of other companies.

Use of tracks, etc.

**194.** The company may take possession of, use or occupy any lands belonging to any other railway company, use and enjoy the whole or any portion of the right of way, tracks, terminals, stations or station grounds of any other railway company, and have and exercise full right and power to run and operate its trains over and upon any

portion or portions of the railway of any other railway company, subject always to the approval of the Board first obtained and to any order and direction which the Board may make in regard to the exercise, enjoyment or restriction of such powers or privileges. Approval of Board.

2. Such approval may be given upon application and notice, and, after hearing, the Board may make such order, give such directions, and impose such conditions or duties upon either party as to it may appear just or desirable, having due regard to the public and all proper interests. Procedure therefor.

3. If the parties fail to agree as to compensation, the Board may, by order, fix the amount of compensation to be paid in respect of the powers and privileges so granted. R.S., c. 37, s. 176. Compensation.

4. Where the proposed location of any new railway is close to or in the neighborhood of an existing railway, and the Board is of opinion that it is undesirable in the public interest to have the two separate rights of way in such vicinity, the Board may, when it deems proper, upon the application of any company, municipality or person interested, or of its own motion, order that the company constructing such new railway shall take the proceedings provided for in subsection 1 of this section to such extent as the Board deems necessary in order to avoid having such separate rights of way. Board may order proceedings.

5. The Board, in any case where it deems it in the public interest to avoid the construction of one or more new railways close to or in the neighborhood of an existing railway, or to avoid the construction of two or more new railways close to or in the neighborhood of each other, may, on the application of any company, municipality or person interested, or of its own motion, make such order or direction for the joint or common use, or construction and use, by the companies owning, constructing or operating such railways, of one right of way, with such number of tracks, and such terminals, stations and other facilities, and such arrangements respecting them, as may be deemed necessary or desirable. New. Joint use of tracks, etc.

*Mines and Minerals.*

**195.** No company shall, without the authority of the Board, locate the line of its proposed railway, or construct the same or any portion thereof, so as to obstruct or interfere with, or injuriously affect the working of, or the access or adit to any mine then open, or for the opening of which preparations are, at the time of such location, being lawfully and openly made. R.S., c. 37, s. 169. Mines to be protected.

Company not entitled to minerals.

**196.** The company shall not, unless the same have been expressly purchased, be entitled to any mines, ores, metals, coal, slate, mineral oils, gas or other minerals in or under any lands purchased by it, or taken by it under any compulsory powers given it by this Act, except only such parts thereof as are necessary to be dug, carried away or used in the construction of the works.

Exception.

Not included in conveyance.

2. All such mines and minerals, except as aforesaid, shall be deemed to be excepted from the conveyance of such lands, unless they have been expressly named therein and conveyed thereby. R.S., c. 37, s. 170.

Mining under or within 40 yards of any railway.

**197.** No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith, or within forty yards therefrom, shall work the same until leave therefor has been obtained from the Board.

Application for leave of Board.

2. Upon any application to the Board for leave to work any such mines or minerals, the applicant shall submit a plan and profile of the portion of the railway to be affected thereby, and of the mining works or plant affecting the railway, proposed to be constructed or operated, giving all reasonable and necessary information and details as to the extent and character of the same.

Protection and safety of the public.

3. The Board may grant such application upon such terms and conditions for the protection and safety of the public as to the Board seem expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising or likely to arise from such mining operations. R.S., c. 37, s. 171.

Board may order compensation in certain cases.

**198.** The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines such compensation as the Board shall fix and order to be paid, for or by reason of any severance by the railway of the land lying over such mines, or because of the working of such mines being prevented, stopped or interrupted, or of the same having to be worked in such manner and under such restrictions as not to injure or be detrimental to the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of the construction and operation of the railway. New. (See Ont. 3–4 G. V., c. 36, s. 135.)

Examination of mine workings.

**199.** If necessary in order to ascertain whether any such mines are being worked, or have been worked, so as to injure or be detrimental to the railway or its safety or

the safety of the public, the company may with the written permission of the Board, after giving twenty-four hours notice in writing, enter upon any lands through or near which the railway passes wherein any such mines are being worked, and enter into and return from any such mines or the works connected therewith; and for such purpose may make use of any apparatus of such mines and use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked. New. (See Ont. 3–4 G. V., c. 36, s. 136.)

*Extent of Lands that may be Taken without Consent.*

Lands taken without consent.

**200.** The lands which may be taken without the consent of the owner shall not, subject to the provisions of the next following section, exceed,—

For right of way.

(*a*) for the right of way, one hundred feet in breadth, except in places where the rail level is or is proposed to be more than five feet above or below the surface of the adjacent lands, when such additional width may be taken as shall suffice to accommodate the slope and side ditches;

For stations, etc.

(*b*) for stations, depots and yards, with the freight sheds, warehouses, wharfs, elevators and other structures for the accommodation of traffic incidental thereto, one mile in length by five hundred feet in breadth, including the width of the right of way. R.S., c. 37, s. 177.

*Leave to Take Additional Lands.*

Where more ample space required.

**201.** Should the company require, at any point on the railway, more ample space than it possesses or may take under the last preceding section, for the convenient accommodation of the public, or for the traffic on its railway, or for protection against snowdrifts, or for the diversion of a highway, or for the substitution of one highway for another, or for the construction or taking of any works or measures ordered by the Board under any of the provisions of this Act or the Special Act, or to secure the efficient construction, maintenance or operation of the railway, it may, whether before or after the railway has been opened for the carriage of traffic, apply to the Board for authority to take the same for such purposes, without the consent of the owner.

Procedure.

2. The company shall give ten days' notice of such application to the owner or possessor of such lands, and shall, upon such application, furnish to the Board copies of such notices, with affidavits of the service thereof.

What application must include.

3. The company, upon such application, shall also furnish to the Board, in duplicate,—

Plan, etc.

(*a*) a plan, profile and book of reference of the portion of the railway affected, showing the additional lands required, and certified as hereinbefore provided with respect to plans and profiles required to be deposited by the company with the Board;

Particulars to be specified.

(*b*) an application, in writing, for authority to take such lands, signed and sworn to by the president, vice-president, general manager or engineer of the company, referring to the plan, profile and book of reference, specifying definitely and in detail the purposes for which each portion of the lands is required, and the necessity for the same, and showing that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights.

Authority from Board.

4. After the time stated in such notices, and the hearing of such parties interested as may appear, the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking, for the said purposes, of the whole or any portion of the lands applied for.

In duplicate.

5. Such authority shall be executed in duplicate, and one of such duplicates shall be filed, with the plan, profile, book of reference, application and notices, with the Board; and the other, with the duplicate plan, profile, book of reference and application, shall be delivered to the company.

Deposit with registrars of deeds.

6. Such duplicate authority, plan, profile, book of reference and application, or copies thereof certified as such by the Secretary, shall be deposited with the registrars of deeds of the districts or counties, respectively, in which such lands are situate.

Provisions of this Act which apply.

7. All the provisions of this Act applicable to the taking of lands without the consent of the owner for the right of way or main line of the railway shall apply to the lands authorized under this section to be taken, except the provisions relating to the sanction by the Board of the plan, profile and book of reference of the railway, but the deposit with the Board and with the registrar of deeds shall be made as in this section provided.

Repeal and change of certificates made under 1888, c. 29, s. 109.

8. The Board may, upon consent in writing having been first obtained from the Minister in that behalf, repeal, rescind, change or vary any certificate of the Minister made under section one hundred and nine of *The Railway Act, 1888*. R.S., c. 37, s. 178.

*Using Lands for Special Purposes.*

Use of adjoining lands.

**202.** The company, either for the purpose of constructing or repairing its railway, or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers conferred upon it by the Board, may enter upon any land which is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at the time applicable to the taking of land by the company, and its valuation, and the compensation therefor, shall apply to the case of any land so required.

If owner does not consent.

2. Before entering upon any land for the purposes aforesaid, the company shall, in case the consent of the owner is not obtained, pay into the office of one of the superior courts for the province in which the land is situated,—

Sum to be deposited.

(*a*) such sum, as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of such superior court; and,

Interest.

(*b*) interest for six months upon the sum so fixed.

As security for compensation.

3. Such deposit shall be retained to answer any compensation which may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction *pro tanto* of such award, and the surplus, if any thereafter remaining, shall, by order of the judge, be repaid to the company.

Deficiency to be paid.

4. Any deficiency in such deposit to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award. R.S., c. 37, s. 179.

**203.** Whenever,—

Obtaining materials for construction or operation.

(*a*) any stone, gravel, earth, sand, water or other material is required for the construction, maintenance or operation of the railway, or any part thereof; or,

Transport.

(*b*) such materials or water, so required, are situate, or have been brought to a place at a distance from the line of railway, and the company desires to lay down the necessary tracks, spurs or branch lines, water pipes or conduits, over or through any lands intervening between the railway and the land on which such materials or water are situate, or to which they have been brought;

Tracks or conduits.

the company may, if it cannot agree with the owner of the lands for the purchase thereof, cause a land surveyor, duly licensed to act in the province, or an engineer, to make a plan and description of the property or right of way, and

Plan and description.

shall serve upon each of the owners or occupiers of the land affected a copy of such plan and description, or of so much thereof as relates to the lands owned or occupied by them respectively, duly certified by such surveyor or engineer.

Provisions of this Act which apply.

2. All the provisions of this Act shall, in so far as applicable, apply, and the powers thereby granted may be used and exercised to obtain the materials or water, so required, or the right of way to the same, irrespective of the distance thereof: Provided that the company shall not be required to submit any such plan for the sanction of the Board.

Title may be acquired.

3. The company may, at its discretion, acquire the lands from which such materials or water are taken, or upon which the right of way thereto is located, for a term of years or permanently.

Arbitration.

4. The notice of arbitration, if arbitration is resorted to, shall state the extent of the privilege and title required.

Tracks not to be used for other purposes.

5. The tracks, spurs or branch lines constructed or laid by the company under this section shall not be used for any purpose other than in this section mentioned, except by leave of the Board, and subject to such terms and conditions as the Board sees fit to impose.

Power of Board.

6. The Board may restrict or forbid the exercise of any power under this section. R. S., c. 37, s. 180. Am.

Snow fences.

**204.** Every railway company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty, or of any person, lying along the route or line of the railway, and erect and maintain snow fences thereon, subject to the payment of such land damages, if any actually suffered, as are thereafter established, in the manner provided by law with respect to such railway.

Compensation.

Removal.

2. Every snow fence so erected shall be removed on or before the first day of April then next following. R.S., c. 37, s. 182.

*Purchase and Conveyance.*

Purchase of more land than required.

**205.** Except as otherwise provided in section 208, whenever the company can purchase a larger quantity of land from any particular owner at a more reasonable price, on the average, or on terms more advantageous, than those upon which it could obtain the portion thereof which it may take from him without his consent, it may purchase such larger quantity.

Re-sale.

2. The company may sell and dispose of any part of the lands so purchased which may be unnecessary for its undertaking. R.S., c. 37, s. 181.

Power of representa-

**206.** All tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, trustees

and all persons whomsoever, as well for and on behalf of themselves, their heirs and successors, as on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert* or other persons, seized, possessed of or interested in any lands, may, subject to the provisions of the next following section, contract and sell and convey to the company all or any part thereof. R.S., c. 37, s. 183. tive persons to convey.

**207.** When such persons have no right in law to sell or convey the rights of property in the said lands they shall not sell or convey the same without obtaining from a judge, after due notice to the persons interested, the right to sell the said lands: Provided that where any person interested is absent from the district or county in which the lands lie, or is unknown, the judge may order such substitutional service of notice as he deems proper or may dispense with notice. Order of judge may be had.

2. The said judge shall give such orders as are necessary to secure the investment of the purchase money, in such a manner as he deems necessary, in accordance with the law of the province, to secure the interests of the owner of the said land. R.S., c. 37, s. 184. Am. Purchase money.

**208.** The powers by the last two preceding sections conferred upon,— Limitation of powers to convey.

(*a*) rectors in possession of glebe lands in the province of Ontario;

(*b*) ecclesiastical and other corporations;

(*c*) trustees of land for church or school purposes;

(*d*) executors appointed by wills under which they are not invested with, and have not otherwise, power to sell the real property of the testator; and,

(*e*) administrators of persons dying intestate seized of real property, where such administrators have not power to sell such property;

shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the company. R.S., c. 37, s. 185.

**209.** Any contract, agreement, sale, conveyance or assurance made under the authority of any of the last three preceding sections shall be valid and effectual in law, to all intents and purposes whatsoever; and any conveyance so authorized shall vest in the company receiving the same the fee simple in the lands therein described, freed and discharged from all trusts, restrictions and limitations whatsoever. Conveyance to vest fee simple.

2. The person so conveying is hereby relieved from liability for what he does by virtue of or in pursuance of this Act. R.S., c. 37, s. 186. Idemnity to persons conveying.

Application of purchase money.

**210.** The company shall not be responsible for the disposition of any purchase money for lands taken by the company for its purposes, if paid to the owner of the land or into court for his benefit. R.S., c. 37, s. 187.

Premature contracts.

**211.** Any contract or agreement made by any person authorized by this Act to convey lands, either before the deposit of the plan, profile and book of reference, or before the setting out and ascertaining of the lands required for the railway, shall, if such contract or agreement is duly registered with the proper registrar of deeds, be binding at the price agreed upon, if the lands are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such lands have in the meantime become the property of a third person.

May be carried out.

2. Possession of the lands may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of an arbitrator as hereinafter provided, and the agreement shall be in the place of an award. R.S., c. 37, s. 188. Am.

Rental when parties cannot sell.

**212.** If, in any case not hereinbefore provided for, any person interested in any lands so set out and ascertained is not authorized by law to sell or alienate the same, he may agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid therefor.

2. If the amount of the rent is not fixed by agreement, it shall be fixed and all proceedings shall be regulated, in the manner in this Act prescribed. R.S., c. 37, s. 189.

How fixed.

**213.** Such annual rent and every other annual rent, agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands which the vendor agrees to leave unpaid, shall,

Rent chargeable to working expenses.

upon the deed creating such charge and liability being duly registered in the registry office of the proper district, county or registration division, be chargeable as part of the working expenditure of the railway. R.S., c. 37, s. 190.

*Publishing Notice of Plans and Making Agreements.*

Compensation or damages may be agreed or.

**214.** After the expiration of ten days from the deposit of the plan, profile and book of reference in the office of the registrar of deeds, and after notice thereof has been given in at least one newspaper, if any published, in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands, or to persons empowered to convey lands, or interested in lands, which may be taken, or which suffer damage from

the taking of materials, or the exercise of any of the powers granted for the railway; and, thereupon, such agreements and contracts as seem expedient to both parties may be made with such persons, touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained. Agreements authorized.

2. The company may at any time grant or agree to grant to the owner of any lands injuriously affected, or likely to be injuriously affected, by the exercise of the company's powers, any easement, servitude or privilege over or in respect of the company's lands or the lands being taken by the company, and may construct and maintain or agree to construct and maintain any work for such owner's benefit; and any such agreement may be enforced by the Board, or damages may be recovered for the breach thereof in any court of competent jurisdiction. Company may grant easement, etc.

3. Such deposit of plan, profile and book of reference and such notice of such deposit, shall be deemed a general notice to all parties of the lands which will be required for the railway and works. R.S., c. 37, ss. 191, 192 (1). Am. General notice.

**215.** In case of disagreement between the parties, or any of them, all questions which arise between them shall be settled as hereinafter provided. R.S., c. 37, s. 191 (2). Disagreement.

EXPROPRIATION PROCEEDINGS.

*Notice.*

**216.** Preliminary to proceeding to arbitration to fix compensation or damages the company shall serve upon the opposite party a notice, which shall contain,— Notice of expropriation to be served.

(*a*) a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands therein described;

(*b*) a declaration of readiness to pay a certain sum or rent, as the case may be, as compensation for such lands or for such damages; and,

(*c*) a notification that if within ten days after the service of this notice, or, where the notice is served by publication, within one month after the first publication thereof, the party to whom the notice is addressed does not give notice to the company that he accepts the sum offered by the company, either he or the company will be entitled to apply to have the compensation fixed by arbitration as provided in *The Railway Act*. R. S., c. 37, s. 193. Am.

Certificate of surveyor or engineer

**217.** Such notice shall be accompanied by the certificate of a sworn surveyor for the province in which the lands are situated or an engineer, who is not interested in the land or in the amount of compensation or damages, which certificate shall state,—

(*a*) that the land, if the notice relates to the taking of land shown on the said plan, is required for the railway;

(*b*) that he knows the land, or the amount of damage likely to arise from the exercise of the powers; and,

(*c*) what sum is, in his opinion, a fair compensation for the land and damages aforesaid. R. S., c. 37, s. 194. Am.

Service by publication.

**218.** If the opposite party is absent from the district or county in which the lands lie, or is unknown, an application for service by advertisement may be made to a judge of a superior court for the province or district, or to the judge of the county court of the county where the lands lie.

Application for.

2. Such application shall be accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company, that the opposite party is so absent, or that, after diligent inquiry, the person on whom the notice ought to be served cannot be ascertained.

Judge shall order notice.

3. The judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month in a newspaper published in the district or county, or, if there is no newspaper published therein, then in a newspaper published in some adjacent district or county. R.S., c. 37, s. 195.

Notice may be abandoned.

**219.** Where the notice given improperly describes the lands or materials intended to be taken, or where the company decides not to take the lands or materials mentioned in the notice, it may abandon the notice and all proceedings thereunder, but shall be liable to the person notified for all damages suffered and costs incurred by him in consequence of such notice and abandonment, and such damages shall be fixed and such costs taxed by the judge, or as he directs.

Damages and costs.

New notice may be given.

2. The company after payment of such damages and costs, if any, may, notwithstanding the abandonment of any former notice, give to the same or any other person notice for other lands or materials, or for lands or materials otherwise described. R.S., c. 37, s. 207. Am.

*Arbitrator.*

If sum offered not accepted.

**220.** If within ten days after the service of such notice, or, where service is made by advertisement, within one

month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, either party may apply to the judge of the county court of the county in which the lands lie, or, in the province of Quebec or in any other part of Canada where there is no county court, to a judge of the superior court for the district or place in which the lands lie, to determine the compensation to be paid as aforesaid. Appointment of arbitrator.

2. Six days' notice of such application shall be given by the company to the opposite party, or *vice versa*. Notice.

3. If the opposite party is absent from the district or county in which the lands lie, or is unknown, service of such six days' notice may be made by advertisement as in section 218 authorized: Provided that the judge may dispense with, or shorten the time or times for, the publication of the notice in any such case in which he deems it proper. R.S., c. 37, s. 196; 6-7 E. VII., c. 37, s.1. Am. Service by publication.

**221** Such judge shall, upon application being made to him as aforesaid, become sole arbitrator for determining such compensation: Provided that where such judge is personally interested in the land or in the amount of the compensation or damages in question, or where for any other reason it is necessary, either party may, on six days' notice to the opposite party, apply to a judge of a superior court to appoint, and such judge may appoint, a county or superior court judge to be arbitrator, and in such case the judge so appointed shall be arbitrator for the purposes aforesaid. Constituting arbitrator.

2. The arbitrator shall proceed to ascertain such compensation in such way as he deems best, and, except as hereinafter provided, his award shall be final and conclusive. R. S., c. 37, s. 197. Am. Procedure. Award.

*Determining Compensation.*

**222.** The arbitrator, in deciding on such value or compensation, shall take into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to any lands of the opposite party through or over which the railway will pass, by reason of the passage of the railway through or over the same or by reason of the construction of the railway, and shall set off such increased value that will attach to the said lands against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands. Increased value of remaining lands to be considered.

2. The date of the deposit of the plan, profile and book of reference with the registrar of deeds shall be the date Date of compensation fixed.

with reference to which such compensation or damages shall be ascertained: Provided, however, that if the company does not actually acquire title to the lands within one year 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.

Interest may be allowed.

3. The arbitrator may include in the award an allowance for interest on the compensation or damages from the date of deposit of the plan, profile and book of reference with the registrar of deeds or for such shorter time as he deems proper. R. S., c. 37, ss. 198, 192 (2). Am.

Company may offer easement, etc.

**223.** In mitigation of any injury or damage caused or likely to be caused to any lands by the exercise of the company's powers, the company may, by its notice of expropriation or by subsequent notice filed with the arbitrator, and served upon the opposite party, prior to the close of the hearing before the arbitrator, undertake to abandon or grant to the owner of the above mentioned lands or the party interested therein any portion of the company's lands, or the lands being taken, or any easement, servitude or privilege over or in respect of the same, or to construct and maintain any work for the benefit of such owner or person interested, and if such owner or person interested, by writing filed with the arbitrator, consents to accept what is so undertaken, or if the arbitrator approves thereof in the award, such undertaking shall be binding upon the company, and the compensation or damages shall be fixed in view of what is so undertaken, and the undertaking may be enforced by the Board, or damages may be recovered for the breach thereof in any court of competent jurisdiction. New. (See R. S., c. 143, s. 30).

*Costs of Arbitration.*

Costs, how disposed of.

**224.** The costs of the arbitration shall be in the discretion of the arbitrator and shall be paid by the party against whom he allows the same, and it shall be the duty of the arbitrator to state in his award whether the whole or any part of the costs are allowed and by whom the same are to be paid.

Taxation.

2. The amount of the costs, if not agreed upon, may be taxed by the proper taxing officer for the taxation of costs of an action or suit tried before the judge who acted as arbitrator, and appeal may be taken from such taxing officer as in the case of the costs of such an action or suit.

Expenses of arbitrator.

3. The arbitrator shall not be entitled to any fee or reward for his services as such arbitrator, but shall be paid, as part of the costs of the arbitration, all his actual necessary

and reasonable travelling and other expenses incurred in or in connection with the arbitration. R. S., c. 37, s. 199. Am.

*Proceedings of Arbitrator.*

Examination by arbitrator.

**225.** The arbitrator, shall examine on oath or solemn affirmation such witnesses as appear before him, but no more than three expert or opinion witnesses shall be called in behalf of any party: Provided that the arbitrator, may by consent of the parties decide the matter upon view or inspection of the property without examining witnesses, but any party or his representative may in such case be permitted to point out and explain such things as seem material to the case. R. S., c. 37, s. 200. Am.

Proviso.

Powers of arbitrator.

**226.** The arbitrator may in any case with respect to such arbitration,—

Entry.

(*a*) enter upon and inspect any land, place, building, works or other thing, being the property of or under the control of the company or the opposite party, the entry or inspection of which appears to him requisite;

Inspection.

(*b*) inspect any works, structure, rolling stock or property of the company;

Production.

(*c*) require the production of all books, papers, plans, specifications, drawings and documents relating to the matter before him; and,

Oaths.

(*d*) administer oaths, affirmations or declarations.

Compelling witnesses.

2. He shall have the like power in summoning witnesses and enforcing their attendance and compelling them to give evidence and produce books, papers or things which they are required to produce as is vested in any court in civil cases.

Witnesses fees.

3. The persons attending and giving evidence at any such arbitration shall be entitled to the like fees and allowances for so doing as if summoned to attend before the Exchequer Court.

Incriminating papers.

4. The provisions hereinbefore contained with respect to the production before the Board of books and papers which may tend to criminate the persons producing them shall apply to persons attending and giving evidence at any such arbitration. R.S., c. 37, s. 201.

Notes of evidence.

**227.** The arbitrator shall take down in writing the evidence brought before him, unless either party requires that it be taken by a stenographer; in which case a stenographer shall be named by the arbitrator, unless the parties agree upon one.

Stenographer.

2. The stenographer shall be sworn before the arbitrator before entering upon his duties.

His expenses.

3. The expense of such stenographer, if not arranged by agreement between the parties, shall form part of the costs of the arbitration. R. S., c. 37, s. 202.

Notice of award to be given.

**228.** After making the award, the arbitrator shall forthwith notify the parties that the award has been made, and shall forthwith deliver or transmit by registered post the award and the depositions, exhibits and all other papers

Award, etc., to be filed.

connected with the arbitration to the clerk of the court, to be filed with the records of the said court.

How notice to be given.

2. The notice of the making of the award may be given by registered letter addressed to the parties at their usual or last known post office addresses, or addressed in care of their representatives, if any, who appeared for them in the arbitration proceedings. R.S., c. 37, s. 203. Am.

*Preventing Delay.*

Arbitrator to proceed speedily.

**229.** After the making of the application constituting him arbitrator, or in the case of appointment by order of a judge of a superior court after the receipt of such order or a copy thereof, the arbitrator shall proceed with and complete the arbitration and award as speedily as possible,

Directions to prevent delay.

having regard to the interests of the parties, and he may give any directions respecting the proceedings which he deems proper to prevent delay. R. S., c. 37, s. 204. Am.

Death or delay of arbitrator.

**230.** If the arbitrator dies before the award has been made, or fails to commence or to complete the arbitration and award within a reasonable time, either party may on

Application to court or judge.

six days' notice to the opposite party apply to the court to which an appeal from the award would lie under this Act, or to a judge thereof, and such court or judge may appoint another arbitrator, or may fix the compensation and determine all other matters which the arbitrator might have determined, or may make any other order which in the circumstances seems meet.

Assistance

2. Such court or judge may in such case, if deemed proper, call in the assistance of any disinterested person or persons to aid in determining such compensation or other matter, and all reasonable and proper fees and expenses of such person or persons shall form part of the costs of the proceedings.

Costs.

3. The costs of applications and proceedings under this section shall be paid and may be taxed as such court or judge directs.

4. The determination of such court or judge as to the amount of compensation or any other matter which an arbitrator under this Act might have disposed of shall be deemed an award under this Act, but there shall be no appeal therefrom except that where such determination is made by such judge appeal may be taken to such court. R. S., c. 37, s. 206. Am. Appeal.

*Impeaching Award.*

**231.** No award shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been substantially complied with, and if the award states clearly the sum awarded, and the lands or other property, right or privilege for which such sum is to be the compensation. Award not invalidated by want of form.

2. The person to whom the sum is to be paid need not be named in the award. R.S., c. 37, s. 205. Payee need not be named.

**232.** If the arbitrator is not himself personally interested in the amount of the compensation he shall not be disqualified because he has previously expressed an opinion as to the amount of compensation or because he is related or of kin to any shareholder of the company. R. S., c. 37, s. 208. Am. Arbitrator not disqualified by— Opinion; Kindred.

*Appeal from Award.*

**233.** Within one month after receiving from the arbitrator or from opposite party a written notice of the making of the award, the company may, where the award exceeds six hundred dollars, and any other party may, where such party in his notice of appeal claims more than six hundred dollars or objects to some easement or other thing approved by the arbitrator without his consent under section 223, appeal from the award upon any question of law or fact, or upon any other ground of objection, to the court to which an appeal would lie had the award been a judgment in a civil case, after trial, of the judge who acted as arbitrator; and upon the hearing of the appeal such court shall cecide any question of fact upon the evidence taken before the arbitrator as in the case of original jurisdiction: Provided that the court may, where, from any other evidence it deems proper to admit, it is clearly satisfied that injustice has been done, set aside the award or remit it to the arbitrator for reconsideration with such directions as it deems proper. Appeal from award.

2. Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal for Practice and proceedings on appeal.

a judgement, after trial, of the judge who acted as arbitrator, subjecs to any general rules or o.ders from time to time made by the court to which such appeal lies in respect to such appeals.

No further appeal, etc.

3. The decision of such court shall not, except where the amount awarded by or claimed in the appeal from such decision exceeds ten thousand dollars, be subject to further appeal, and except as herein provided there shall be no appeal from, or proceedings had to impeach or set aside any award made under this Act. R.S., c. 37, s. 290. Am.

*Paying Money into Court, etc.*

Payment of compensation into court in some cases.

**234.** (*a*) If the company has reason to fear any claim, mortgage, *hypothèque*, or encumbrance; or,

(*b*) If any person to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute a proper conveyance; or,

(*c*) If the person entitled to claim the compensation or annual rent cannot be found, or is unknown to the company; or,

(*d*) If, for any other reason, the company deems it advisable;

the company may pay such compensation into court, with the interest thereon for six months, and may deliver to the clerk or prothonotary of such court an authentic copy of the conveyance, or of the award or agreement, if there is no conveyance.

Title.

2. Such conveyance, or award or agreement, shall thereafter be deemed to be the title of the company to the land therein mentioned. R.S., c. 37, s. 210.

Lands not in Quebec.

Publication of notice.

**235.** Where the lands are situated elsewhere than in the province of Quebec, a notice of such payment and delivery, in such form and for such time as the court appoints, shall be inserted in a newspaper, published in the county in which the lands are situated, or, if there is no newspaper published in the county, then in the official gazette of the province, and also in a newspaper published in the nearest county thereto in which a newspaper is published.

What notice shall state.

2. Such notice shall state that the conveyance, agreement or award constituting the title of the company is obtained under the authority of this Act, and shall call upon all persons claiming an interest in or entitled to the lands, or any part thereof, to file their claims to the compensation, or any part thereof. R.S., c. 37, s. 211.

Lands in Quebec.

**236.** Where the lands are situated in the province of Quebec, the notice shall be published as required in cases

of confirmation of title, and the registrar's certificate shall be procured and filed as in such cases. R.S., c. 37, s. 212.

Compensation in place of land.

**237.** The compensation for any lands which may be taken without the consent of the owner shall stand in the stead of such lands; and any claim to or encumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof; and the company shall be responsible accordingly, whenever it has paid such compensation or any part thereof to a person not entitled to receive the same, saving always its recourse against such person; but nothing herein contained shall prejudice any owner's right to a lien for unpaid purchase money unless such compensation is actually paid to such owner or paid into court pursuant to this Act. R.S., c. 37, s. 213. Am.

Encumbrances.

Lien for purchase money.

Effect of adjudication

**238.** All such claims filed shall be received and adjudicated upon by the court, and the adjudication thereon shall for ever bar all claims to the land, or any part thereof, including any dower, mortgage, *hypothèque* or encumbrance upon the same.

Disposal of compensation.

2. The court shall make such order for the distribution, payment, or investment of the compensation and for the security of the rights of all persons interested, as to right and justice and to law appertains.

Interest.

3. If the order for distribution, payment, or investment is obtained within less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company.

For further period.

4. If from any error, fault or neglect of the company, such order is not obtained until after six months have expired, the court shall order the company to pay into court, as part of the compensation, the interest for such further period as is right.

Costs.

5. The costs of the proceedings, in whole or in part, including the proper allowances to witnesses, shall be paid by the company, or by any other person, as the court orders. R.S., c. 37, s. 214.

*Right of Company to take Possession.*

Upon payment or tender.

**239.** Upon payment or legal tender of the compensation or annual rent awarded or agreed upon to the person entitled to receive the same, or upon the payment into court of the amount of such compensation, in the manner hereinbefore mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands,

or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon. R.S., c. 37, s. 215.

*Proceedings in case of Resistance.*

Warrant.

**240.** If any resistance or forcible opposition is made by any person to the exercise by the company of any such power the judge shall, upon or without notice to the opposite party as he deems proper, on proof to his satisfaction of such award or agreement and of payment or tender of the sum awarded or agreed upon or of payment thereof into court, issue his warrant to the sheriff of the district or county, or to a bailiff, as he deems most suitable, to put down such resistance or opposition, and to put the railway company in possession.

How executed.

2. The sheriff or bailiff shall, in the execution of such warrant, take with him sufficient assistance for such purpose, and shall put down such resistance or opposition and put the company in possession. R.S., c. 37, s. 216. Am.

Warrant for immediate possession in certain cases.

**241.** Such warrant shall also be granted by the judge without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed. R.S., c. 37, s. 217.

Procedure upon application for such warrant.

**242** The judge shall not grant any warrant under the last preceding section, unless,—

Notice.

(*a*) ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the lands, or the person empowered to convey the lands or interested in the lands sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done by the company; and,

Deposit of compensation.

(*b*) the company gives security to his satisfaction, by payment into court, of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than fifty per centum above the amount offered by the company in the notice mentioned in section 216 or certified by the surveyor or engineer under section 217, whichever is larger; or, if the judge deems proper, pays the party in part and gives security for the balance.

2. Where for any reason service of such notice can not be made, or can not be made promptly, the judge may, on proof to his satisfaction of circumstances justifying it, order substitutional or other service of such notice or dispense with such notice. R.S., c. 37, s. 218. Am. Where notice cannot be served.

**243.** The costs of any such application and hearing before the judge shall be borne by the company, unless the compensation awarded is not more than the company had offered to pay. Costs.

2. No part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make in accordance with the terms of the award. R.S., c. 37, s. 219. Repayment of deposit.

*Procedure.*

**244.** Any proceeding under the foregoing provisions of this Act relating to the ascertainment or payment of compensation, or the delivery of possession of lands taken, or the putting down of resistance to the exercise of powers, shall, if commenced in a superior court having jurisdiction, be continued in such superior court, or, if the proceeding is commenced in a county court having jurisdiction, it shall be continued in such county court ; and where there are different interests in the same lands all shall as far as possible be dealt with in one proceeding. R. S., c. 37, s. 220. Am. To be continued in court where commenced. Different interests.

MATTERS INCIDENTAL TO CONSTRUCTION.

*Respecting Wages.*

**245.** In every case in which the Parliament of Canada votes financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed ; and if there is no current rate in such district, then a fair and reasonable rate. Current rate.

2. In the event of a dispute arising as to what is the current or a fair and reasonable rate, it shall be determined by the Minister, whose decision shall be final. R. S., c. 37, s. 259. Minister may determine.

*Respecting Navigable Waters.*

**246.** No company shall cause any obstruction in, or impede the free navigation of any river, water, stream or Navigation not to be obstructed.

canal, to, upon, along, over, under, through or across, which its railway is carried. R. S., c. 37, s. 230.

Bridges to be properly floored.

**247.** No company shall run its trains over any canal, or over any navigable water, without having first laid, nor without maintaining, such proper flooring under and on both sides of its railway track over such canal or water as is deemed by the Board sufficient to prevent anything falling from the railway into such canal or water, or upon the boats, vessels, craft, or persons navigating such canal or water. R.S., c. 37, s. 231.

Spans of headway and waterway.

**248.** Whenever the railway is, or is proposed to be carried over any navigable water or canal by means of a bridge, the Board may by order in any case, or by regulations, direct that such bridge shall be constructed with such span or spans of such headway and waterway, and with such opening span or spans, if any, as to the Board may seem expedient for the proper protection of navigation.

Operation of draw.

2. The Board may in like manner, if any such bridge is a draw or swing bridge, direct when, under what conditions and circumstances, and subject to what precautions, the same shall be opened and closed. R. S., c. 37, s. 232.

Proceedings for construction of works in navigable waters.

**249.** When the company is desirous of constructing any wharf, bridge, tunnel, pier or other structure or work, in, upon, over, under, through or across any navigable water or canal, or upon the beach, bed or lands covered with the waters thereof, the company shall, before the commencement of any such work,—

Approval by Governor in Council.

(*a*) in the case of navigable water, not a canal, submit to the Minister of Public Works, and in the case of a canal to the Minister, for approval by the Governor in Council, a plan and description of the proposed site for such work, and a general plan of the work to be constructed, to the satisfaction of such Minister ; and,

Board to authorize.

(*b*) upon approval by the Governor in Council of such site and plans, apply to the Board for an order authorizing the construction of the work, and, with such application, transmit to the Board a certified copy of the Order in Council and of the plans and description approved thereby, and also detail plans and profiles of the proposed work, and such other plans, drawings and specifications as the Board may, in any such case, or by regulation, require.

No deviation

2. No deviation from the site or plans approved by the Governor in Council, shall be made without the consent of the Governor in Council.

3. Upon any such application, the Board may,— Powers of Board.

(*a*) make such order in regard to the construction of such work upon such terms and conditions as it may deem expedient;

(*b*) make alterations in the detail plans, profiles, drawings and specifications so submitted;

(*c*) give directions respecting the supervision of any such work; and,

(*d*) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used and operated, and measures taken, as under the circumstances of each case may appear to the Board best adapted for securing the protection, safety and convenience of the public.

4. Upon such order being granted, the company shall be authorized to construct such work in accordance therewith. Company to construct.

5. Upon the completion of any such work the company shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and if the Board is satisfied that its orders and directions have been carried out, and that such work may be used or operated without danger to the public, and that the provisions of this section have been complied with, the Board may grant such order. R.S., c. 37, s. 233. Operation also to be authorized by Board.

*Bridges, Tunnels and other Structures.*

**250.** The Governor in Council may, upon the report of the Board, authorize or require any railway company to construct fixed and permanent bridges, or swing, draw or movable bridges, or to substitute any of such bridges for bridges existing on the line of its railway, within such time as the Governor in Council directs. Bridges.

2. No company shall substitute any swing, draw or movable bridge for any fixed or permanent bridge already built and constructed without the previous consent of the Governor in Council. R.S., c. 37, s. 234. Consent of Governor in Council.

**251.** Every bridge, tunnel or other erection or structure, over, through or under which any railway passes, shall be so constructed and maintained as to afford, at all times, an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beams, members, or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder. Headway over cars.

Powers of Board to order alteration.

2. The Board may, if necessary, require any existing bridge, tunnel, or other erection or structure to be reconstructed or altered, within such time as it may order, so as to comply with the requirements mentioned in the last preceding subsection; and any such bridge, tunnel, or other erection or structure, when so reconstructed or altered shall thereafter be maintained accordingly.

Space above rail.

3. Except by leave of the Board the space between the rail level and such beams, members or portions of any such structure, constructed after the first day of February, one thousand nine hundred and four, shall in no case be less than twenty-two feet six inches.

Structures not owned by company.

4. If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned by the company, the Board, upon application of the company, and upon notice to all parties interested, or without any application, may make such order, allowing or requiring such raising, reconstruction or alteration, and upon such terms and conditions as to the Board shall appear just and proper and in the public interest.

Board may exempt certain structures.

5. The Board may exempt from the operation of this section any bridge, tunnel, erection or structure, over, through or under which it is satisfied no trains, except such as are equipped with air brakes, are run. R.S., c. 37, s. 256.

Where length exceeds 18 feet.

**252.** The company shall not commence the construction, or reconstruction of or any material alteration in any bridge, tunnel, viaduct, trestle, or other structure, through, over, or under which the company's trains are to pass, the span, or proposed span or spans, or length of which exceeds eighteen feet, until leave therefor has been obtained from the Board, unless such construction, reconstruction, or alteration is made in accordance with standard specifications and plans approved by the Board.

Leave or approval of Board.

Application for leave.

2. Upon any application to the Board for such leave, the company shall submit to the Board the detail plans, profiles, drawings and specifications of any such work proposed to be constructed, and such other plans, profiles, drawings and specifications as the Board may in any case, or by regulation, require.

Powers of Board Terms.

3. Upon any such application the Board may,—

(*a*) make such order with regard to the construction of such work, and upon such terms and conditions, as it deems expedient;

Alterations.

(*b*) make alterations in the detail plans, profiles, drawings and specifications so submitted;

Supervision.

(*c*) give directions respecting the supervision of any such work; and,

(*d*) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used, and operated, and that such measures be taken, as, under the circumstances of each case, may appear to the Board best adapted for securing the protection, safety and convenience of the public. Other works.

4. Upon such order being granted the company shall be authorized to construct such works in accordance therewith. Company may construct.

5. Upon the completion of any such work the company shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and the Board may grant such order if it is satisfied that its orders and directions have been carried out, and that such work may be used or operated without danger to the public, and that the provisions of this section have been complied with. R.S., c. 37, s. 257. Board to authorize operation.

6. Upon the application of any municipality or municipalities interested, the Board may, where it deems it reasonable and proper, require the company to construct under or along-side of its track upon any bridge being constructed, reconstructed or materially altered by the company a passage-way for the use of the public either as a general highway or as a foot-way, the additional cost to the company of constructing, maintaining and renewing which, as fixed by or under the direction of the Board, shall be paid by the municipality or municipalities as the Board may direct, and the Board may impose any terms or conditions as to the use of such passage-way or otherwise which it deems proper. New. Passage-way for public.

*Crossings and Junctions with other Railways.*

**253.** The railway lines or tracks of any railway company shall not cross or join or be crossed or joined by or with any railway lines or tracks other than those of such company, whether otherwise within the legislative authority of the Parliament of Canada or not, until leave therefor has been obtained from the Board as hereinafter provided. Leave of Board.

2. Upon any application for such leave the applicant shall submit to the Board a plan and profile of such crossing or junction, and such other plans, drawings and specifications as the Board may, in any case, or by regulation, require. Plans, etc. to be submitted.

3. The Board may, by order,—

(*a*) grant such application on such terms as to protection and safety as it deems expedient; Powers of Board.

(*b*) change the plan and profile, drawings and specifications so submitted, and fix the place and mode of crossing or junction:

(*c*) direct that one line or track or one set of lines or tracks be carried over or under another line or track or set of lines or tracks;

(*d*) direct that such works, structures, equipment, appliances and materials be constructed, provided, installed, maintained, used or operated, watchmen or other persons employed, and measures taken, as under the circumstances appear to the Board best adapted to remove and prevent all danger of accident, injury or damage;

(*e*) determine the amount of damage and compensation, if any, to be paid for any property or land taken or injuriously affected by reason of the construction of such works;

(*f*) give directions as to supervision of the construction of the works; and

(*g*) require that detail plans, drawings and specifications of any works, structures, equipment or appliances required, shall, before construction or installation, be submitted to and approved by the Board.

No operation until authorized.

4. No trains shall be operated on the lines or tracks of the applicant over, upon or through such crossing or junction until the Board grants an order authorizing such operation.

Board shall see to compliance.

5. The Board shall not grant such last mentioned order until satisfied that its orders and directions have been carried out, and that the provisions of this section have been complied with. R.S., c. 37, s. 227.

Connections of intersecting railway lines.

**254.** Where the lines or tracks of one railway are intersected or crossed by those of another, or upon any application for leave to make any intersection or crossing, or in any case in which the tracks or lines of two different railways run through or into the same city, town or village, the Board may,upon the application of one of the companies, or of a municipal corporation or other public body, or of any person or persons interested, order that the lines or tracks of such railways shall be so connected, at or near the point of intersection or crossing or in or near such city, town or village, as to admit of the safe and convenient transfer or passing of engines, cars and trains, from the tracks or lines of one railway to those of another, and that such connection shall be maintained and used.

Costs and terms of connections.

2. In and by the order for such connection, or from time to time subsequently, the Board may determine by what company or companies, or other corporations or persons, and in what proportions, the cost of making and maintaining any such connections shall be borne, and upon what terms traffic shall be thereby transferred from the lines of one railway to those of another.

Connections between intersecting provincial and Dominion railways.

3. Where the lines or tracks of any railway within the legislative authority of a province intersect the lines or tracks, or run through or into the same city, town or village as the lines or tracks, of a railway within the legislative authority of the Parliament of Canada, and it is desired by the company owning or operating either of such railways, or by any municipal corporation, or other public body, or any person interested, that the lines or tracks of such railways should be connected, so as to admit of the safe and convenient transfer of engines, cars and trains from the lines or tracks of one of such railways to those of the other, and for the reasonable receiving, forwarding, delivering and interswitching of traffic between such railways, and there exists in the province in which such connection is desired a provincial railway, public utilities, or other board, commission or body, having power to require such connection between two railways within the legislative authority of such province, hereinafter in this subsection called the provincial board, proceedings may be taken in accordance with the following provisions:—

Proceedings.

Application for order.

(*a*) Either of such companies, or any municipal corporation, or other public body, or any person interested, may file with the Secretary of the Board, and with the secretary of the provincial board, an application for an order that such connection should be required to be made, together with evidence of service of such application upon the railway companies interested or affected; and, where the application is not made by the municipality, upon the head of the municipal corporation within which the proposed connection is situate;

Hearing of application by Board and provincial authorities.

(*b*) After the receipt of the said application, the Board and the provincial board may, by joint session or conference, in conformity with the practice established or adopted by them, hear and determine the said application, and may order that the lines or tracks of such railways be so connected at or near the point of intersection, or in or near such city, town, or village, upon such terms and conditions, and subject to such plans, as they may deem proper;

Rules of procedure.

(*c*) The Chief Commissioner and the chairman of the provincial board of any province having concurrent legislation carrying into effect the purposes and objects of this subsection, may make rules of procedure and practice covering the making of such applications and the hearing and the disposition thereof;

Constitution of joint boards.

(*d*) The Chief Commissioner and the chairman of the provincial board may assign or appoint from each board the members comprising the joint board that

may be required to sit for the hearing and determining of such applications as they arise;

Enforcement of order.

(*e*) Any order aforesaid may be made a rule of the Exchequer Court and shall be enforced in like manner as any rule, order, or decree of such court. R.S., c. 37, s. 228; 1–2 G. V., c. 22, s. 5.

Safety appliances at rail level crossings.

**255.** The Board may order the adoption and use at any such crossing or junction, at rail level, of such interlocking switch, derailing device, signal system, equipment, appliances and materials, as in the opinion of the Board renders it safe for engines and trains to pass over such crossing or junction without being brought to a stop. R.S., c. 37, s. 229.

*Highway Crossings, etc.*

Railway on highway.

Leave.

Compensation.

Consent of municipality.

**256.** The railway of the company may, if leave therefor is first obtained from the Board as hereinafter authorized, but shall not without such leave, be carried upon, along or across any existing highway: Provided that the company shall make such compensation to adjacent or abutting land owners as the Board deems proper; and provided that the Board shall not grant leave to any company to carry any street railway or tramway, or any railway operated or to be operated as a street railway or tramway, along any highway which is within the limits of any city or incorporated town, until the company has first obtained consent therefor by a by-law of the municipal authority of such city or incorporated town; and provided that where leave is obtained to carry any railway along a highway the Board may require the company to make such compensation to the municipality as the Board deems proper.

Highway to be kept open.

2. The company shall, before obstructing any such highway by its works, turn the highway so as to leave an open and good passage for carriages, and, on completion of the works, restore the highway to as good a condition as nearly as possible as it originally had.

Rights saved.

3. Nothing in this section shall deprive any such company of rights conferred upon it by any Special Act of the Parliament of Canada, or amendment thereof, passed prior to the twelfth day of March, one thousand nine hundred and three. R.S., c. 37, s. 235; 1–2 G.V., c. 22, s. 6. Am.

Application for crossings.

**257.** Upon any application for leave to construct a railway upon, along or across any highway, or to construct a highway along or across any 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.

Protection, etc.

As to land required.

3. When the application is for the construction of the railway, upon, along or across a 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.

Detailed plans, etc., in certain cases

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. 8-9 E. VII., c. 32, s. 4.

Powers of Board as to existing crossings.

**258.** Where a railway is already constructed upon, along or across any highway, the Board may, of 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 rail-

Protection, etc.

way, 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 land required.

2. When the Board of its own 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.

Supervision by Board.

3. The Board may exercise supervision in the construction of any work ordered by it under this section, or may give directions respecting such supervision. 8-9 E. VII., c. 32, s. 5 (1), (2). Am.

Preventing obstruction of view.

**259.** The Board shall, without limiting any general power elsewhere conferred, have power, for the purpose of diminishing the danger at any highway crossing with any railway heretofore or hereafter constructed, to order,—

(*a*) that any trees, buildings, earth or other obstruction to the view, which may be upon the railway, the highway or any adjoining lands, shall be removed;

(*b*) that nothing obstructing the view shall be placed at such crossing or nearer thereto than the Board designates;

and for any such purpose the Board shall have power to authorize or direct the expropriation of any land, the acquirement of any easement and the doing of anything deemed necessary, and shall have power to fix and order payment of such compensation as it deems just. New.

Apportionment of cost of protection, etc.

**260.** Notwithstanding anything in this Act, or in any other Act, the Board may, subject to the provisions of the next following section of this Act, order what portion, if any, of cost is to be borne respectively by the company, municipal or other corporation, or person in respect of any order made by the Board, under any of the last three preceding sections, and such order shall be binding on and enforcible against any railway company, municipal or other corporation or person named in such order. 8-9 E. VII., c. 32, s. 5 (3).

When railway to bear whole cost.

**261.** In any case where a railway is constructed after the nineteenth day of May, one thousand nine hundred and nine, 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 a highway by the railway. 8-9 E. VII., c. 32, s. 6; 9-10 E. VII., c. 50, s. 14.

Foot bridges.

**262.** The Board may order any company to erect over its railway at or near, or in lieu of any highway crossing at rail level, a foot bridge or foot bridges, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges. R.S., c. 37, s. 239.

Appropriation for safety of public at highway crossings at rail level.

**263.** The sum of two hundred thousand dollars each year for ten 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 of Canada to aid actual construction work for the protection, safety and convenience of the public in respect of highway crossings of railways at rail level, in existence on the first day of April, one thousand nine hundred and nine.

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, subject to the limitations hereinafter set out, solely towards the cost (not including that of maintenance and operation), of actual construction work for the purpose specified in subsection 1 hereof.

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-five per cent of the cost of the actual construction work in providing such protection, safety and convenience, and shall not, in any such case, exceed the sum of fifteen thousand dollars, and no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality or more than once in any one year 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.

5. In this section,—

"Crossing" defined.

"crossing," 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.

"municipality," means an incorporated city, town, village, county, township or parish. 8-9 E. VII., c. 32, s. 7. Am.

Overhead crossings.

**264.** Unless otherwise directed or permitted by the Board, the highway at any overhead railway crossing shall not at any time be narrowed by means of any abutment or structure to a width less than twenty feet, nor shall the clear headway above the surface of the highway at the central part of any overhead structure, constructed after the first day of February, one thousand nine hundred and four, be less than fourteen feet. R. S., c. 37, s. 240.

Width and height of highway.

Facilities for traffic.

**265.** 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. 8-9 E. VII., c. 38, s. 8 (1).

When rail level not obstruction.

**266.** Whenever the railway crosses any highway at rail level, whether the level of the highway remains undisturbed or is raised or lowered to conform to the grade of the railway, the top of the rail may, when the works are completed, unless otherwise directed by the Board, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction. R.S., c. 37, s. 236.

Application of ss. 257 to 266.

**267.** Notwithstanding anything in this Act, or in any other Act, the provisions of sections 257 to 266, 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. 8-9 E. VII., c. 32, s. 8 (2).

Inclination of approach.

**268.** The inclination of the ascent or descent, as the case may be, of any approach by which any highway is carried over or under any railway, or across it at rail level, shall not, unless the Board otherwise directs, be greater

than one foot of rise or fall for every twenty feet of the horizontal length of such approach.

Fencing approaches.

2. A good and sufficient fence at least four feet six inches in height from the surface of the approach or structure shall be made and maintained on each side of such approach, and of the structure connected with it. R.S., c. 37, s. 242. Am.

Signboards at level crossings.

**269.** Sign boards at every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, and shall have the words *Railway Crossing* painted on each side thereof in letters at least six inches in length.

In Quebec.

2. In the province of Quebec such words shall be in both the English and the French languages. R.S., c. 37, s. 243.

*Drainage and Power, Mining and Irrigation Works.*

Ditches, drains and flumes.

**270.** The company shall in constructing the railway make and maintain suitable water pipes, flumes, ditches and drains along each side of, and across and under the railway, to connect with water pipes, flumes, ditches, drains, drainage works and water courses upon the lands through which the railway runs, so as to afford sufficient outlet to drain and carry off the water, or to convey the water supply, and so that the then natural, artificial, or existing drainage, or water supply, of the said lands shall not be obstructed or impeded by the railway. R.S., c. 37, s. 250 (1). Am.

**271.** Whenever,—

If drainage insufficient.

(*a*) any lands are injuriously affected by reason of the drainage upon, along, across, or under the railway being insufficient to drain and carry off the water from such lands; or,

Or municipality desires.

(*b*) any municipality or landowner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or land of the company; or,

Or company desires.

(*c*) the railway company desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under any lands adjoining or near the railway;

Board may order or permit drainage or laying of pipes.

the Board may, upon the application or complaint of the municipality or landowner, or of the company, order or permit the company to construct such drainage or lay such pipes, and may require the applicant to submit to the Board a plan and profile of the portion of the railway or lands to be affected, or may direct an inspecting engineer, or such other person as it deems advisable to appoint, to inspect

the locality in question, and, if expedient, there hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the Board.

Terms and conditions.

2. The Board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be effected, or pipes laid, constructed and maintained, having due regard to all proper interests, and shall fix the compensation, if any, which should be paid to any owner injuriously affected.

Order not needed where consent, etc.

3. An order of the Board shall not be required in the cases in which water pipes or other pipes are to be laid or maintained under the railway, with the consent of the railway company in accordance with the general regulations, plans or specifications adopted or approved by the Board for such purposes. R.S., c. 37. s. 250 (2)-(4). Am.

Drainage proceedings under Provincial Acts.

**272.** Whenever by virtue of any Act of any province through which the railway runs, proceedings may be had or taken by any municipality or landowner for any drainage, or drainage works, upon and across the property of any other landowner in such province, the like proceedings may, at the option of such municipality or landowner, be had or taken by such municipality or landowner for drainage, or drainage works, upon and across the railway and lands of the company, in the place of the proceedings before the Board in the last preceding section provided.

Provincial laws to apply.

2. In case of any such proceedings, the drainage laws of the province shall, subject to any previous order or direction of the Board made or given with respect to drainage of the same lands, apply to the lands of the company upon or across which such drainage is required, to the same extent as to the lands of any landowner of such province: Provided that the company shall have the option of constructing the portion of any drain, or drainage work, required to be constructed upon, along, under or across its railway or lands.

Option of company.

If option not exercised.

3. In the event of the company not exercising such option, and completing such work within a reasonable time, and without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are provided under the laws of such province to be constructed.

Approval of Board.

4. Notwithstanding anything in this section contained, no drainage works shall be constructed or reconstructed upon, along, under or across the railway or lands of the company until the character of such works, or the specifications or plans thereof, have been first submitted to and approved of by the Board.

Costs.

5. The proportion of the cost of the drain, or drainage works, across or upon the railway, to be borne by the com-

pany, shall, in all such cases, be based upon the increase of cost of such work caused by the construction and operation of the railway. R.S., c. 37, s. 251.

Power, mining and irrigation works.

**273.** When any person having authority to create, develop, enlarge or change any water-power, or any electrical or power development by means of water, or to develop and operate mineral claims or mines, or to use water for irrigation purposes, desires for any such purpose to carry any canal, tunnel, flume pipe, ditch or wire across, over or under any railway, and is unable to agree with the railway company as to the terms and conditions upon which the same may be so carried over, under or across the said railway, an application may be made to the Board for leave to construct the necessary works.

Application to Board.

Plan and profile.

2. Upon such application the applicant shall submit to the Board a plan and profile of the railway at the point where it is desired to make such crossing, and a plan or plans showing the proposed method of carrying such canal, tunnel, flume pipe, ditch or wire across, over or under the said railway, and such other plans, drawings and specifications as the Board in any case or by any regulation requires.

Terms of order.

3. The Board may, by order, grant such application on such terms and conditions as to protection and safety, payment of compensation or otherwise, as it deems just and proper, may change the plans, profiles, drawings and specifications so submitted, and fix the place and mode of crossing and may give directions as to the method in which the works are to be constructed and as to supervision of the construction of the works and the maintenance thereof, and order that detailed plans, drawings and specifications of any works, structures, equipment or appliances required shall before construction or installation be submitted to and approved by the Board. R.S., c. 37, s. 249. Am.

*Farm Crossings.*

Farm crossings.

**274.** Every company shall make crossings for persons across whose lands the railway is carried, convenient and proper for the crossing of the railway for farm purposes.

Live stock.

2. Live stock, in using such crossings when at rail level shall be in charge of some competent person, who shall take all reasonable care and precaution to avoid accidents. R.S., c. 37, s. 252.

Necessary crossings may be ordered by Board.

**275.** The Board may, upon the application of any landowner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the Board deems it necessary for the proper enjoyment of his land, and safe in the public interest.

Timers and conditons.

2. The Board may order and direct how, when, where, by whom, and upon what terms and conditions such farm crossing shall be constructed and maintained. R.S., c. 37. s. 253.

*Fences, Gates and Cattle-Guards.*

Company shall erect.

**276.** The company shall erect and maintain upon the railway,—

Fences.

(*a*) fences of a minimum height of four feet six inches on each side of the railway;

Gates.

(*b*) swing gates in such fences at farm crossings of the minimum height aforesaid, with proper hinges and fastenings Provided that sliding or hurdle gates, already lawfully constructed, may be maintained until the first day of July, one thousand nine hundred and twenty, unless otherwise ordered by the Board; and,

Cattle-guards.

(*c*) cattle-guards, on each side of the highway, at every highway crossing at rail level with the railway.

To be joined.

2. The railway fences at every such highway crossing shall be turned into the respective cattle-guards on each side of the highway.

To be suitable.

3. Such fences, gates and cattle-guards shall be suitable and sufficient to prevent cattle and other animals from getting on the railway lands.

Exemption by Board.

4. The Board may, upon application made to it by the company, relieve the company, temporarily or otherwise, from erecting and maintaining such fences, gates and cattle-guards where the railway passes through any locality in which, in the opinion of the Board, such works and structures are unnecessary.

Duty of company while constructing.

5. Where the railway is being constructed through enclosed lands, the company shall, by fencing its right of way before any existing fences are taken down or by other effective means, prevent cattle or other animals escaping from or getting upon such enclosed lands or from one enclosure to another or upon the property of the company by reason of such construction or of any act or thing done by the company, its contractors, agents or employees. R.S., c. 37, s. 254; 9-10 E. VII., c. 50, s. 5; 1-2 G. V., c. 22, s. 9. Am.

*Gates to be Kept Closed.*

Gates to be closed.

**277.** The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed, when not in use. R.S., c. 37, s. 255.

OPENING RAILWAY FOR TRAFFIC.

*Inspection and Leave of Board.*

**278.** No railway, nor any portion thereof, shall be opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board, as hereinafter provided. Leave of Board for opening railway.

2. When the company is desirous of so opening its railway or any portion thereof, it shall make an application to the Board for authority therefor, supported by affidavit of its president, secretary, engineer or one of its directors, to the satisfaction of the Board, stating that the railway, or portion thereof, desired to be so opened, is in his opinion sufficiently completed for the safe carriage of traffic, and ready for inspection. Application therefor.

3. Before granting such application, the Board shall direct an inspecting engineer to examine the railway, or portion thereof, proposed to be opened. Inspection.

4. If the inspecting engineer reports to the Board, after making such examination, that in his opinion the opening of the railway or portion thereof so proposed to be opened for the carriage of traffic, will be reasonably free from danger to the public using the same, the Board may make an order granting such application, in whole or in part, and may name the time therein for the opening of the railway or such portion thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order. When opening reported to be safe. Board may grant application

5. If such inspecting engineer, after the inspection of the railway, or any portion thereof, shall report to the Board that, in his opinion, the opening of the same would be attended with danger to the public using the same by reason of the incomp'eteness of the works or permanent way, or the insufficiency of the construction or equipment of such railway, or portion thereof, he shall state in his report the grounds for such opinion, and the company shall be entitled to notice thereo , and shall be served with a copy of such report and grounds, and the Board may refuse such application in whole or in part, or may direct a further or other inspection and report to be made. When opening reported dangerous. Notice. Board may refuse.

6. If thereafter, upon such further or other inspection, or upon a new application under this section, the inspecting engineer reports that such railway, or portion thereof, may be opened without danger to the public, the Board may make an order granting such application in whole or in part, and may name the time therein for the opening of the railway, or such portion thereof, and thereupon the railway, or such Further inspection. Order for opening.

portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

Leave to carry freight traffic.

7. The Board, upon being satisfied that public convenience will be served thereby, may, after obtaining a report of an inspecting engineer, allow the company to carry traffic over any portion of the railway not opened for the carriage of traffic in accordance with the preceding provisions of this section. R.S., c. 37, s. 261; 9-10 E. VII., c. 50, s. 6.

*Board May Order Railway to be Opened.*

Board may order opening.

**279.** The Board, in any case where it deems it right, may, upon the application of any person interested or of its own motion, order the opening of any railway or line or any portion thereof, for traffic, and may require the company to do all things necessary therefor, within such time as the Board fixes. New.

SAFETY AND CARE OF ROADWAY.

*Animals not to be at Large Near Highway Crossings.*

Cattle not allowed at large near railway.

**280.** No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail level, unless they are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection.

May be impounded.

2. All horses, sheep, swine or other cattle found at large contrary to the provisions of this section may, by any person who finds them at large, be impounded in the pound nearest to the place where they are so found, and the pound-keeper with whom the same are impounded shall detain them in like manner, and subject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property. R. S., c. 37, s. 294 (1) (2). Am.

*Thistles and Weeds to be Kept Cut.*

Company to remove weeds, etc.

**281.** Every company shall cause thistles and all noxious weeds growing on the right of way, and upon land of the company adjoining the railway, to be cut down or to be rooted out and destroyed each year, before such thistles or weeds have sufficiently matured to seed. R. S., c. 37, s. 296.

*Dry Grass to be Removed.*

Company to keep right of way clear.

**282.** The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter. R. S., c. 37, s. 297.

Board ma order.

**283.** The Board may make orders and regulations,—

Fire guards, etc.

(*a*) respecting the construction, use and maintenance, in connection with the railway, of fire guards or other works which may be deemed by the Board to be necessary and suitable to prevent, as far as possible, fires from being started or occurring, upon, along or near the right of way of the company;

Fire-rangers.

(*b*) requiring the company to establish and maintain an efficient and competent staff of fire-rangers, equipped with such appliances for fighting fires or preventing them from spreading, as the Board may deem proper, and to provide such fire-rangers with proper and suitable equipment to enable them to move from place to place along the line of railway with all due speed;

Patrol.

(*c*) requiring the company to maintain an efficient patrol of the line of railway and of the lands in the vicinity thereof to which fires may spread, and generally defining the duties of the company and of the fire-rangers in respect thereof;

Returns as to fire-rangers.

(*d*) requiring the company to make returns of the names of fire-rangers in its employ in the performance of the above mentioned duties, and of the places or areas in which they are from time to time engaged;

Reports of fires.

(*e*) requiring the company to make reports and returns of fires occurring upon or near its right of way; and any such orders or regulations may be made applicable during or after the construction of the railway, or during such time, and in such manner, as the Board deems proper.

Following fires.

2. For the purpose of fighting and extinguishing fires the fire-rangers of the company may follow the fires which spread from the railway, to, over and upon the lands to which they may spread.

Entering lands for fire guard purposes.

3. Subject to the terms and conditions of any order or regulation of the Board, the company may at all times enter into and upon any lands of His Majesty or of any person lying along the railway, for the purpose of establishing and maintaining thereon the fire guards or other protection directed by the Board, and for the purpose of freeing from dead or dry grass, weeds, and other unnecessary inflammable matter, the land between such fire guards and the line of railway. R.S., c. 37, s. 30 (f), part; 1-2 G. V., c. 22, ss. 2, 10 (4). Am.

*Packing.*

Packing in spaces.

**284.** The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch, where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail.

In splayed ends.

2. The spaces between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches.

Height of.

3. Such packing shall not reach higher than to the under side of the head of the rail.

Of what to consist.

4. Such packing shall consist of wood or metal, or some equally substantial and solid material, of not less than two inches in thickness, and, where by this section any space is required to be filled in on any railway, shall extend to within one and a half inches of the crown of the rails in use, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

Board may regulate.

5. The Board may, notwithstanding the requirements of this section, allow the filling and packing therein mentioned to be left out from the month of December to the month of April in each year, both months included, or between any such dates as the Board by regulation, or in any particular case, determines. R. S., c. 37, s. 288.

*Board may Direct Inspection and Order Repairs.*

When railway out of repair.

**285.** Whenever any complaint is made to the Board, or the Board receives information, that any railway, or any portion thereof, is dangerous to the public using the same, from want of renewal or repair, or insufficient or erroneous construction, or from any other cause, or whenever circumstances arise which, in its opinion, render it expedient, the Board may direct an inspecting engineer to examine the railway, or any portion thereof.

Inspection.

Board may order repairs.

2. The Board may, upon the report of the inspecting engineer, order any repairs, renewal, reconstruction, alteration or new work, materials or equipment to be made, done or furnished by the company upon, in addition to, or substitution for, any portion of the railway, which may, from such report, appear to the Board necessary or proper, and may order that until such repairs, renewals, reconstruction, alteration, and work, materials or equipment are made, done and furnished to its satisfaction, no portion of the railway in respect of which such order is made, shall be used, or used

May enjoin operation meantime.

otherwise than subject to such restrictions, conditions and terms as the Board may in such order impose.

Rolling stock may be condemned.

3. The Board may by such order condemn and thereby forbid further use of any rolling stock which, from such report, it may consider unfit to repair or use. R. S., c. 37, s. 262.

*Inspecting Engineer may Forbid Operation.*

Inspecting engineer may forbid operation.

**286.** If in the opinion of any inspecting engineer, it is dangerous for trains to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any of the rolling stock should be run or used, the said engineer may, by notice, in writing,—

By notice.

(*a*) forthwith forbid the running of any train over such railway or portion of railway; or,

(*b*) require that the same be run only at such times, under such conditions, and with such precautions, as he by such notice specifies; and,

(*c*) forbid the running or using of any such rolling stock.

What notice shall state.

2. Such notice shall state the reasons for such opinion of the inspecting engineer, and distinctly point out the defects or the nature of the danger to be apprehended.

Service of notice.

3. The notice may be served upon the company owning, running, or using such railway or rolling stock, or upon any officer having the management or control of the running of trains upon the railway, or the management or control of the rolling stock.

Action of Board.

4. The inspecting engineer shall forthwith report such notice to the Board, which may either confirm, modify or disallow the act or order of such engineer.

Notice thereof.

5. Notice of such confirmation, modification or disallowance, shall be duly given to the company. R.S., c. 37, s. 263.

ACCIDENTS.

*Notice to be Sent to Board.*

Notice of accidents to Board.

**287.** Every company shall, as soon as possible, and immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company, of any accident attended with personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct, or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof, with full particulars, to the Board.

Board may regulate.

2. The Board may by regulation declare the manner and form in which such information and notice shall be given

and the class of accidents to which this section shall apply, and may declare any such information so given to be privileged. R. S., c. 37, s. 292.

*Board May Direct Inquiry.*

Appointment of officer to inquire into accidents.

**288.** The Board may appoint such person or persons as it thinks fit to inquire into all matters and things which it deems likely to cause or prevent accidents, and the causes of and the circumstances connected with any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto.

Officer to report to Board.

2. The person or persons so appointed shall report fully in writing, to the Board, his or their doings and opinions on the matters respecting which he or they are appointed to inquire, and the Board may act upon such report and may order the company to suspend or dismiss any employee of the company whom it may deem to have been negligent or wilful in respect of any such accident. R. S., c. 37, s. 293.

Powers of Board.

OPERATION AND EQUIPMENT.

*Orders and Regulations of Board.*

Regulations of Board.

**289.** The Board may make orders and regulations,—

Speed of trains.

(*a*) limiting the rate of speed at which railway trains and locomotives may be run in any city, town or village, or in any class of cities, towns or villages; and the Board may, if it thinks fit, limit certain rates of speed within certain described portions of any city, town or village, and different rates of speed in other portions thereof; and may in any case limit or fix the rate of speed of trains and locomotives as it deems proper;

Use of steam whistle.

(*b*) with respect to the use of the steam whistle within any city, town or village, or any portion thereof;

Passing from car to car.

(*c*) with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of railway employees while passing from one car to another;

Coupling.

(*d*) for the coupling of cars;

Shelter.

(*e*) requiring proper shelter to be provided for all railway employees when on duty;

Prevention of fires.

(*f*) with respect to the use on any engine of nettings, screens, grates and other devices, and the use on any engine or car of any appliances and precautions, which may be deemed by the Board necessary and most suitable to prevent, as far as possible, fires from being started or occurring upon, along, or near the right of way of the railway;

(*g*) with respect to the rolling stock, apparatus, cattle-guards, appliances, signals, methods, devices, structures and works, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public; Protection generally.

(*h*) with respect to the length of sections required to be kept in repair by employees of the company, and with respect to the number of employees required for each section, so as to ensure safety to the public and to employees; Length of sections, etc.

(*i*) designating the number of men to be employed upon trains, with a view to the safety of the public and of employees; Number of men.

(*j*) limiting or regulating the hours of duty of any employees or class or classes of employees, with a view to safety; Hours of duty.

(*k*) providing that a specified kind of fuel or a specified kind of power or method or means of propulsion shall be used on any or all locomotives and trains in any district; and, Fuel. Motive power.

(*l*) generally providing for the protection of property, and the protection, safety, accommodation and comfort of the public, and of the employees of the company, in the running and operating of trains, or the use of engines, by the company or on or in connection with the railway; Safety, etc.

and any orders or regulations under this section may be made applicable during or after the construction of the railway, or during such time, and in such manner, as the Board deems proper. R.S., c. 37, s. 30, part, s. 269, s. 275, part; 8-9 E. VII, c. 32, s. 13, part. Am.

**290.** The Board shall endeavor to provide for uniformity in the construction of rolling stock to be used upon the railway, and for uniformity of rules for the operation and running of trains. R. S., c. 37, s. 268. Uniformity.

*By-Laws, Rules and Regulations of Company.*

**291.** The company may, subject to the provisions and restrictions in this and in the Special Act contained, and subject to any orders or regulations of the Board, make by-laws, rules or regulations respecting,— Company may make by-laws.

(*a*) the mode by which, and the speed at which any rolling stock used on the railway is to be moved; Speed.

(*b*) the hours of arrival and departure of trains; Time tables

(*c*) the loading and unloading of cars, and the weights which they are respectively to carry; Loads

(*d*) the receipt and delivery of traffic; Traffic

Nuisanecs.

(*e*) the smoking of tobacco, expectorating, and the commission of any nuisance in or upon trains, stations, or other premises occupied by the company;

Operation.

(*f*) the travelling upon, or the using or working of the railway;

Officers and employees.

(*g*) the employment and conduct of the officers and employees of the company; and,

Management.

(*h*) the due management of the affairs of the company. R.S., c. 37, s. 307.

Penalty may be prescribed.

**292.** The company may, for the better enforcing of the observance of any such by-law, rule or regulation, thereby prescribe a penalty enforcible on summary conviction not exceeding forty dollars for any violation thereof. R.S., c. 37, s. 308.

To be in writing under common seal.

**293.** All by-laws, rules and regulations, whether made by the directors or the company, shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company, and be kept in the office of the company. R.S., c. 37, s. 309.

Must be approved by. Governor in Council.

**294.** All such by-laws, rules and regulations, except such as relate to tolls and such as are of a private or domestic nature and do not affect the public generally or impose a penalty, shall be submitted to the Governor in Council for approval.

Board to report.

2. The Board shall make a report to the Governor in Council upon such by-laws, rules and regulations, and the Governor in Council may thereupon sanction such by-laws, rules and regulations or any of them, or any part thereof, and may, from time to time, rescind the sanction thereof, or of any part thereof.

No effect without sanction.

3. No such by-law, rule or regulation shall have any force or effect without such sanction, or after such sanction has been rescinded. R.S., c. 37, s. 310. Am.

Binding when approved.

**295.** Such by-laws, rules and regulations when so approved shall be binding upon, and shall be observed by all persons, and shall be sufficient to justify all persons acting thereunder. R.S., c. 37, s. 311.

Printed copy to be posted up.

**296.** A printed copy of so much of any by-law, rule or regulation, as affects any person, other than the shareholders, or the officers or employees of the company, shall be openly affixed, and kept affixed, to a conspicuous part of every station belonging to the company, so as to give public notice thereof to the persons interested therein or affected thereby.

2. A printed copy of so much of any by-law, rule or regulation as relates to the conduct of or affects the officers or employees of the company, shall be given to every officer and employee of the company thereby affected. Copy to every officer and employee affected.

3. In the province of Quebec every such notice, by-law, rule and regulation shall be published both in the English and French languages. R.S., c. 37, s. 312. In Quebec both languages.

**297.** If the violation or non-observance of any by-law, rule or regulation, is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using reasonable force, if necessary, to prevent such violation, or to enforce observance, without prejudice to any penalty incurred in respect thereof. R.S., c. 37, s. 313. Company may enforce.

**298.** A copy of any such by-law, rule or regulation of the company, certified as correct by the president, secretary or other executive officer of the company, and bearing the seal of the company, shall be evidence thereof. R.S., c. 37, s. 76. Evidence of by-law or regulation.

*Equipment of Cars and Locomotives.*

**299.** Every railway company shall provide and cause to be used on all trains modern and efficient apparatus, appliances and means,— Modern and efficient.

(*a*) to provide immediate communication between the conductor while in any car of any passenger train, and the engine driver; Communication.

(*b*) to check at will the speed of the train, and bring the same safely to a standstill, as expeditiously as possible, and, except under circumstances of sudden danger or emergency, without causing undue discomfort to passengers, if any, on the train; and, Brakes.

(*c*) to securely couple and connect the cars composing the train, and to attach the engine to such train, with couplers which couple automatically by impact, and which can be uncoupled without the necessity of men going in between the ends of the cars. Couplers.

2. Such apparatus, appliances and means for the checking of speed or the stopping of any train shall include a power drive wheel brake and appliances for operating the train brake system upon the locomotive. Drive wheel brake.

3. There shall also be such a number of cars in every train equipped with power or train brakes that the engineer on the locomotive drawing such train can control its speed, or bring the train to a stop in the quickest and best manner Power or train brakes.

possible, without requiring brakemen to use the common hand brake for that purpose.

Continuous, instantaneous action.

4. Upon all trains carrying passengers such system of brakes shall be continuous, instantaneous in action, and capable of being applied at will by the engine driver or any brakeman, and the brakes must be self-applying in the event of any failure in the continuity of their action.

Box freight cars.

5. All box freight cars of the company shall, for the security of railway employees, be equipped with,—

Outside ladders.

(*a*) outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of each ladder below the frame, the ladders being placed close to the ends and sides to which they are attached; and,

Hand grips.

(*b*) hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladders:

Proviso.

Provided that, if there is at any time any other improved side attachment which, in the opinion of the Board, is better calculated to promote the safety of the train hands, the Board may require any of such cars not already fitted with the side attachments by this section required, to be fitted with the said improved attachment.

Height of draw-bars.

6. Every railway company shall adopt and use upon all its rolling stock such height of draw-bars as the Board determines, in accordance with any standard from time to time adopted by competent railway authorities.

7. The Board may upon good cause shown, by general regulation, or in any particular case, from time to time grant delay for complying with the provisions of this section.— R.S., c. 37, s. 264.

Delay may be allowed for compliance.

**300.** The Board may, by general regulation or upon application in any particular case, order that any apparatus or appliances specified in such regulation or order shall or shall not be deemed sufficient compliance with the provisions of the last preceding section, or that any apparatus or appliances specified in such regulation or order shall or shall not when used upon the train in the manner and under the circumstances in such regulation or order specified be deemed sufficient compliance with the provisions of the said section. R. S., c. 37, s. 265. Am.

Board may determine what equipment sufficient.

Oiling.

**301.** The oil cups or other appliances used for oiling the valves of every locomotive in use upon any railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves. R.S., c. 37, s. 266.

**302.** Every locomotive engine shall be equipped and maintained with a bell of at least thirty pounds weight and with a steam whistle. R.S., c. 37, s. 267. Bell and whistle.

*Running of Trains.*

**303.** All regular trains shall be started and run, as nearly as practicable, at regular hours, fixed by public notice. —R. S., c. 37, s. 270. Regularity in train time.

2. Every railway company shall print in both the English and French languages the time tables that are to be used along its lines within the limits of the province of Quebec. 8-9 E. VII., c. 32, s. 14. Time tables.

**304.** Every railway company, upon whose railway there is a telegraph or telephone line in operation shall have a blackboard put upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph or telephone office; and when any passenger train is overdue at any such station, according to the time table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station. Blackboard. At stations. Overdue. trains.

2. If there is any further change in the expected time of arrival the station agent or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train may then be expected to reach such station. Further notice.

3. Such notices shall, in the province of Quebec, be written in the English and French languages, and, in the other provinces, in English. R.S., c. 37, s. 271. Am. English and French.

**305.** No passenger train shall have any freight, merchandise or lumber car in the rear of any passenger car in which any passenger is carried. R.S., c. 37, s. 272. Position of passenger cars.

*Precautions at Swing Bridges.*

**306.** When any railway passes over any navigable water, or canal, by means of a draw or swing bridge which is subject to be opened for navigation, every train shall, before coming on or crossing over such bridge, be brought to a full stop, and shall not thereafter proceed until a proper signal has been given for that purpose. Trains to stop at swing bridges.

Board may exempt.

2. Wherever there is adopted or in use on any railway, at any such bridge, an interlocking switch and signal system or other device which, in the opinion of the Board, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the Board may, by order, permit engines and trains to pass over such bridge without stopping, under such regulations as to speed and other matters, as the Board deems proper. R.S., c. 37, s. 273.

*Precautions at Railway Crossings.*

Signal at rail level crossings.

**307.** No train or engine or electric car shall pass over any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level, whether they are owned by different companies or the same company, until a proper signal has been received by the conductor or engineer in charge of such train or engine from a competent person or watchman in charge of such crossing that the way is clear.

Electric railway crossings.

2. In the case of an electric car crossing any railway track at rail level, if there is no competent person or watchman in charge of the crossing, it shall be the duty of the conductor, before crossing and before giving the signal to the motorman that the way is clear and to proceed, to go forward and see that the track to be crossed is clear. R.S., c. 37, s. 277.

Stoppage of trains at rail level crossings.

**308.** Every engine, train or electric car shall, before it passes over any crossing as in the last preceding section mentioned, be brought to a full stop: Provided that whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains or electric cars to pass over such crossing without being brought to a stop, the Board may, by order, permit such engines and trains and cars to pass over such crossing without stopping, under such regulations as to speed and other matters as the Board deems proper. R.S., c. 37, s. 278.

Where safety devices are installed, Board may otherwise order.

*Precautions at Highway Crossings and in Thickly Peopled Places.*

Use of bell and whistle.

**309.** When any train is approaching a highway crossing at rail level the engine whistle shall be sounded at least eighty rods before reaching such crossing, and the bell shall be rung continuously from the time of the sounding of the whistle until the engine has crossed such highway.

Exception.

2. Where a municipal by-law of a city or town prohibits such sounding of the whistle or such ringing of the bell in

respect of any such crossing or crossings within the limits of such city or town, such by-law shall, to the extent of such prohibition, relieve the company and its employees from the duty imposed by this section. R.S., c. 37, s. 274. Am.

Speed of trains.

**310.** No train shall pass at a speed greater than ten miles an hour,—

In unfenced portions of thickly peopled places.

(*a*) in or through any thickly peopled portion of any city, town or village, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the Board; or,

Over unprotected highway crossings in thickly peopled places.

(*b*) over any highway crossing at rail level in any thickly peopled portion of any city, town or village, unless such crossing is constructed and thereafter maintained and protected in accordance with the orders, regulations and directions specially issued by the Railway Committee of the Privy Council or of the Board, in force with respect to such crossing, or unless permission is given by some regulation or order of the Board; or,

Over crossings where accidents happened.

(*c*) over any highway crossing at rail level, if at such crossing, subsequent to the first day of January, one thousand nine hundred and five, a person or vehicle using such crossing, or an animal being ridden or driven over the same, has been struck by a moving train, and bodily injury or death thereby caused to such person or to any other person using such crossing, unless and until such crossing is protected to the satisfaction of the Board; or,

Over crossings not protected as ordered.

(*d*) over any highway crossing at rail level in respect of which crossing an order of the Board has been made to provide protection for the safety and convenience of the public and which order has not been complied with. R.S., c. 37, s. 275, part; 8-9 E. VII., c. 32, s. 13, part; 9-10 E. VII., c. 50, s. 15.

Trains or cars moving reversely.

**311.** Whenever in any city, town or village, any train not headed by an engine moving forward in the ordinary manner is passing over or along a highway at rail level which is not adequately protected by gates or otherwise, the company shall station on that part of the train, or of the tender if that is in front, which is then foremost, a person who shall warn persons standing on, or crossing, or about to cross the track of such railway. R.S., c. 37, s. 276.

Board may exempt.

2. The Board, upon the application of any railway company or person, shall have power to order that this section shall not apply to any particular trains or classes of trains, or to trains running on any specified portions

Proviso.

of the railway of the company: Provided that no such order shall be made with respect to trains engaged in shunting or switching, or in yard or terminal movements. 9-10 E. VII., c. 50, s. 7.

*Respecting the Obstruction of Highway Traffic.*

Train must not obstruct highway more than five minutes.

**312.** Whenever any railway crosses any highway at rail level, the company shall not, nor shall its officers, agents or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or, in shunting to obstruct public traffic for a longer period than five minutes at one time, or, in the opinion of the Board, unnecessarily interfere therewith. R.S., c. 37, s. 279.

## Traffic, Tolls and Tariffs.

*Accommodation for Traffic.*

Accommodation.

**313.** The company shall, according to its powers,—

At all stations.

(*a*) furnish, at the place of starting, and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway;

Carriage and delivery.

(*b*) furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic;

No delay.

(*c*) without delay, and with due care and diligence, receive, carry and deliver all such traffic; and,

Appliances.

(*d*) furnish and use all proper appliances, accommodation and means necessary for receiving, loading, carrying, unloading and delivering such traffic.

What adequate and suitable accommodation shall include.

2. Such adequate and suitable accommodation shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by the company, and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways, together with the placing of cars and moving them upon and from such private sidings and private branch railways.

May be ordered by Board.

3. If in any case such accommodation is not, in the opinion of the Board furnished by the company, the Board may order the company to furnish the same within such time or during such period as the Board deems expedient, having regard to all proper interests; or may prohibit or limit the use, either generally or upon any specified railway or

part thereof, of any engines, locomotives, cars, rolling stock, apparatus, machinery, or devices, or any class or kind thereof, not equipped as required by this Act, or by any orders or regulations of the Board made within its jurisdiction under the provisions of this Act.

Payment of tolls.

4. Such traffic shall be taken, carried to and from, and delivered at the places aforesaid on the due payment of the toll lawfully payable therefor.

Board may regulate time so as to allow connections to be made between railways for passengers and mails.

5. Where a company's railway crosses or joins or approaches, in the opinion of the Board, sufficiently near to any other railway, upon which passengers or mails are transported, whether the last mentioned railway is within the legislative authority of the Parliament of Canada or not, the Board may order the company to so regulate the running of its trains carrying passengers or mails, and the places and times of stopping them, as to afford reasonable opportunity for the transfer of passengers and mails between its railway and such other railway, and may order the company to furnish reasonable facilities and accommodation for such purpose.

Board may order specific works, tolls, etc.

6. For the purposes of this section the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally.

Right of action on default.

7. Every person aggrieved by any neglect or refusal of the company to comply with the requirements of this section shall, subject to this Act, have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servant. R.S., c. 37, s. 284.

Condition against negligence invalid.

Demurrage

8. The Board may make regulations, applying generally or to any particular railway or any portion thereof, or may make an order in any case where it sees fit, imposing charges for default or delay by any company in furnishing accommodation, appliances, or means as aforesaid, or in receiving, loading, carrying, unloading or delivering traffic, and may enforce payment of such charges by companies to any person injuriously affected by such default or delay; and any amount so received by any person shall be deducted from the damages recoverable or recovered by such person for such default or delay; and the Board may, by order or regulation, determine what circumstances shall exempt any company from payment of any such charges. 7-8 E. VII., c. 61, s. 10. Am.

Interchange of traffic between connecting lines.

**314.** Where a branch line of one railway joins or connects the line or lines of such railway with another, the Board may, upon application of one of the companies, or of a municipal corporation or other public body, order that the railway company which constructed such branch line shall afford all reasonable and proper facilities for the interchange, by means of such branch, of freight and live stock traffic, and the empty cars incidental thereto, between the lines of the said railway and those of the railway with which the said branch is so joined or connected, in both directions, and also between the lines of the said first mentioned railway and those of other railways connecting with the lines of the first mentioned railway and all tracks and sidings used by such first mentioned railway for the purpose of loading and unloading cars, and owned or controlled by, or connecting with the lines of, the company owning or controlling the first mentioned railway, and such other tracks and sidings as the Board from time to time directs; and the company owning or controlling the secondly mentioned railway shall furnish similar reasonable and proper facilities to the first mentioned railway, and to other lines connecting with its own railway, and shall in all respects be under duties corresponding to those of the company owning or controlling the first mentioned railway, and shall be subject in like manner to the directions of the Board.

Interswitching.

Reciprocal duties of companies.

Charge regulated by Board.

2. The Board, may, in and by such order, or by other orders, from time to time determine as questions of fact and direct the price per car which shall be charged by and paid for such traffic.

Application of section.

3. This section shall apply whether or not the point of connection is within the same city, town or village as the point of shipment or delivery, or so near thereto that the tolls to and from such points are the same. R.S., c. 37, s. 285. Am.

*Equality as to Tolls and Facilities.*

Equal tolls to be charged.

**315.** All tolls shall always under substantially similar circumstances and conditions, in respect of all traffic of the same description, and carried in or upon the like kind of cars or conveyances, passing over the same line or route, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise.

No discrimination.

2. No reduction or advance in any such tolls shall be made, either directly or indirectly, in favor of or against any particular person or company travelling upon or using the railway.

3. The tolls for carload quantities or longer distances, may be proportionately less than the tolls for less than carload quantities, or shorter distances, if such tolls are, under substantially similar circumstances, charged equally to all persons. Carload quantities.

4. No toll shall be charged which unjustly discriminates between different localities. Localities.

5. The Board shall not approve or allow any toll, which for the like description of goods, or for passengers carried under substantially similar circumstances and conditions in the same direction over the same line or route is greater for a shorter than for a longer distance, within which such shorter distance is included, unless the Board is satisfied that, owing to competition, it is expedient to allow such toll. Duty of Board.

6. The Board may declare that any places are competitive points within the meaning of this Act. R.S., c. 37, s. 315. Am. Competitive points.

**316.** No company shall, without leave therefor having been obtained from the Board, except in accordance with the provisions of this Act, directly or indirectly, pool its freights or tolls with the freights or tolls of any other railway company or common carrier, or divide its earnings or any portion thereof with any other railway company or common carrier, or enter into any contract, arrangement, agreement, or combination to effect, or which may effect, any such result. R.S., c. 37, s. 316. Pooling prohibited.

**317.** All railway companies shall, according to their respective powers, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways, for the interchange of traffic between their respective railways, and for the return of rolling stock. Facilities for traffic.

2. Such facilities to be so afforded shall include the due and reasonable receiving, forwarding and delivering by the company, at the request of any other company, of through traffic, and, in the case of goods shipped by car load, of the car with the goods shipped therein, to and from the railway of such other company, at a through rate; and also the due and reasonable receiving, forwarding and delivering by the company, at the request of any person interested in through traffic, of such traffic at through rates. Through traffic.

No undue preference.

3. No company shall,—

(*a*) make or give any undue or unreasonable preference or advantage to, or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever;

Or discrimination.

(*b*) by any unreasonable delay or otherwise howsoever, make any difference in treatment in the receiving, loading, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person or company;

Or prejudice.

(*c*) subject any particular person, or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever; or,

Allotment of freight cars.

(*d*) so distribute or allot its freight cars as to discriminate unjustly against any locality or industry, or against any traffic which may originate on its railway destined to a point on another railway in Canada with which it connects.

Connecting railway to afford reasonable facilities.

4. Every railway company which has or works a railway forming part of a continuous line of railway with or which intersects any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway, all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf.

Facilities for junction of private sidings, branches, etc.

5. The reasonable facilities which every railway company is required to afford under this section, shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by any such company, and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways.

Equal facilities to be granted to express companies.

6. Every railway company which grants any facilities for the carriage of goods by express to any incorporated express company or person, shall grant equal facilities, on equal terms and conditions, to any other incorporated express company which demands the same.

7. Any agreement made between any two or more companies contrary to this section shall be unlawful and null and void. R.S., c. 37, s. 317. Agreements to the contrary void.

**317A.** If the company is unable or fails to provide sufficient facilities for the movement of grain from the Western Provinces to the elevators at the head of Lake Superior, or to destinations east thereof, after the close of navigation on the Great Lakes and before the next harvest, and grain in certain sections or districts cannot by reason thereof be marketed, the Board may require the said company to furnish all facilities within its powers for the carriage of such grain in such sections or districts to any intermediate point or points of interchange with another company or any terminal elevator, and there to make delivery thereof to such other company or companies or to such elevator for carriage by such other company or companies as the Board may direct; and the Board may require such other company or companies to transport such grain and supply the necessary cars and engines therefor, and the rates lawfully published and filed by the company in default and obtaining on its route shall apply over the joint route or routes so directed and shall be apportioned between the companies as the Board may direct. Facilities to be afforded for movement of grain from the Western Provinces.

**318.** The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of the three last preceding sections. Board may determine.

2. The Board may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance or non-compliance with the provisions of the three last preceding sections. May make declaratory regulation.

3. For the purposes of the last preceding section, the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company Board may order specific works, tolls, etc.

or companies, or by railway companies generally. R.S., c. 37, s. 318.

Discrimination.

**319.** Whenever it is shown that any railway company charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than it charges to other persons, companies. or classes of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll or difference in treatment does not amount to an undue preference or an unjust discrimination, shall lie on the company. R.S., c. 37, s. 77.

Burden of proof.

What Board may consider in deciding undue preference.

**320.** In deciding whether a lower toll, or difference in treatment, does or does not amount to an undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls. R.S., c. 37, s. 319.

Apportionment of toll for carriage by land and water.

**321.** In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Board, or may determine, what portion of such single sum is charged in respect of the carriage by rail. R.S., c. 37, s. 320.

*Freight Classification.*

Tariff of tolls subject to classification by Board.

**322.** The tariffs of tolls for freight traffic shall be subject to and governed by that classification which the Board may prescribe or authorize, and the Board shall endeavour to have such classification uniform throughout Canada, as far as may be, having due regard to all proper interests.

Special terms and conditions.

2. The Board may make any special regulations, terms and conditions or order or direction in connection with such classification, and as to the carriage of any particular commodity or commodities mentioned therein, as to it may seem expedient.

Changes of class.

3. The company may, from time to time, with the approval of the Board, and shall, when so directed by the Board, place any goods specified by the Board in any stated

class, or remove them from any one class to any other, higher or lower, class: Provided that no goods shall be removed from a lower to a higher class until such notice as the Board determines has been given in *The Canada Gazette*.

United States classification.

4. Any freight classification and exception thereto in use in the United States may, subject to any regulation, order or direction of the Board, be used by the company with respect to traffic to and from the United States. R.S., c. 37, s. 321. Am.

*Tariffs—General Provisions.*

Tariffs of tolls.

**323.** The company or the directors of the company, by by-law, or any officer of the company who is thereunto authorized by a by-law of the company or directors in which his name in full and title are stated, may from time to time prepare and issue tariffs of the tolls to be charged in respect of the railway owned or operated by the company, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

Preparation and issue.

Local or general.

2. The tolls may be either for the whole or for any particular portion of the railway.

By-laws.

3. All such by-laws shall be submitted to and approved by the Board.

Approval.

4. The Board may approve such by-laws in whole or in part, or change, alter or vary any of the provisions therein.

No tolls unless authorized.

5. No tolls shall be charged by the company or by any person in respect of a railway or any traffic thereon until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor, unless otherwise authorized by this Act, until a tariff of such tolls has been filed with, and, where such approval is required under this Act, approved by, the Board, nor until any other requirements necessary under this Act to bring such tariff into effect have been complied with; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board, or not in effect in accordance with the provisions of this Act; nor shall the company charge, levy or collect any toll or money for any service as a common carrier except under and in accordance with the provisions of this Act.

Other than passenger or freight tariffs.

6. The Board may, with respect to any tariff of tolls, other than the passenger and freight tariffs in this Act hereinafter mentioned, make regulations fixing and determining the time when, the places where, and the manner in which, such tariffs shall be filed, published and kept open for public inspection. 7–8 E. VII., c. 61, s. 11. Am.

Form and particulars.

**324.** All tariff by-laws and tariffs of tolls shall be in such form, size and style, and give such information, particulars and details, as the Board may, by regulation, or in any case, prescribe. R.S., c. 37, s. 322.

Disallowance.

**325.** The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable, or contrary to any of the provisions of this Act, and may

Substitution.

require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.

Effective date.

2. The Board may designate the date at which any tariff shall come into force, and either on application or of its own motion may, pending investigation or for any reason, postpone the effective date of, or either before or after it comes into effect, suspend any tariff or any portion thereof.

Amendment.

3. Except as otherwise provided, any tariff in force, except standard tariffs hereinafter mentioned, may, subject to disallowance or change by the Board, be amended or supplemented by the company by new tariffs, in accordance with the provisions of this Act.

Consolidation.

4. When any tariff has been amended or supplemented, or is proposed to be amended or supplemented, the Board may order that a consolidation and reissue of such tariff be made by the company. R.S., c. 37, s. 323. Am.

References in superseding tariffs.

**326.** Every tariff superseding or intended to supersede any other tariff or tariffs, or any portion or portions thereof, shall specify the tariff or tariffs, or portion or portions thereof, which it supersedes or is intended to supersede, by giving the reference number or referring to the page and section or item in such a way as to facilitate an accurate and ready reference to what is superseded or intended to be superseded.

Supplements to cancelled tariffs.

2. When any tariff is cancelled without being superseded by a tariff of like issue, a supplement shall be issued to such cancelled tariff and such supplement shall specify the tariff wherein the tolls may thereafter be found. New.

Fraction of a mile.

**327.** In all cases a fraction of a mile in the distance over which traffic is carried on the railway shall be considered as a whole mile.

Fraction of five pounds weight.

2. In estimating the weight of any goods in any one single shipment on which the toll amounts to more than the minimum, or 'smalls' toll, any fraction of five pounds shall be waived by the company, and five or any fraction above

five and up to ten pounds shall be deemed ten pounds by the company.

3. In estimating the tolls to be charged in passenger tariffs hereafter issued any amount not exceeding two and a half cents shall be waived by the company, and above two and a half cents and up to five cents shall be considered as five cents by the company. R.S., c. 37, s. 324. Am. Fraction of five cents.

*Freight Tariffs.*

**328.** The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of goods between points on the railway shall be divided into three classes, namely,— Division of freight tariffs.

(*a*) the standard freight tariff; Standard.

(*b*) special freight tariffs; and, Special.

(*c*) competitive tariffs. R.S., c. 37, s. 325. Competitive.

**329.** The standard freight tariff, or tariffs (where the company is allowed by the Board more than one standard freight tariff), shall specify the maximum mileage tolls to be charged for each class of the freight classification for all distances covered by the company's railway. What standard freight tariff to specify.

2. Such distances may be expressed in blocks or groups, and such blocks or groups may include relatively greater distances for the longer than for the shorter hauls. Distances.

3. The special freight tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any particular commodity or commodities, or for each or any class or classes of the freight classification, or to or from a certain point or points on the railway; and greater tolls shall not be charged for a shorter than for a longer distance over the same line in the same direction, if such shorter distance is included in the longer. What special freight tariffs to specify.

4. The competitive tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any class or classes of the freight classification, or for any commodity or commodities, to or from any specified point or points which the Board may deem or have declared to be competitive points not subject to the long and short haul clause under the provisions of this Act. R.S., c. 37, s. 326. Am. What competitive tariffs to specify.

**330.** Every standard freight tariff shall be filed with the Board, and shall be subject to the approval of the Board. Standard freight tariff.

2. Upon any such tariff being filed and approved by the Board the company shall publish the same, with a notice of Filing. Approval.

Publication.

such approval in such form as the Board directs in at least two consecutive weekly issues of *The Canada Gazette.*

Tolls specified to be the only lawful tolls.

3. When the provisions of this section have been complied with, the tolls as specified in the standard freight tariff or tariffs, as the case may be, shall, except in the cases of special freight and competitive tariffs, be the only tolls which the company is authorized to charge for the carriage of goods.

No toll until compliance.

4. Until the provisions of this section have been complied with, no toll shall be charged by the company.

Changes to be approved.

5. No standard freight tariff shall be amended or supplemented except with approval of the Board. R.S., c. 37, s. 327. Am.

Special freight tariffs.

**331.** Special freight tariffs shall be filed by the company with the Board, and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect.

If tolls previously in force are reduced.

2. When any such special freight tariff reduces any toll previously authorized to be charged under this Act the company shall file such tariff with the Board at least three days before its effective date, and shall, for three days previous to the date on which such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of such tariff, at every station or office of the company where freight is received, or to which freight is to be carried thereunder, and also post up in a prominent place, at each such office or station, a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file: Provided that the Board may by regulation or otherwise determine and prescribe any other or additional method of publication of such tariff during the period aforesaid.

Notice.

If previous tolls advanced.

3. When any such special freight tariff advances any toll previously authorized to be charged under this Act, the company shall in like manner file and publish such tariff thirty days previously to the date on which such tariff is intended to take effect.

When of effective.

4. When the foregoing provisions have been complied with, any such special freight tariff, unless suspended or postponed by the Board, shall take effect on the date stated therein as the date on which it is intended to take effect, and the company shall thereafter, until such tariff is disallowed or suspended by the Board or superseded by a new tariff, charge the toll or tolls as specified therein, and such special freight tariff shall supersede any preceding tariff or

tariffs, or any portion or portions thereof, in so far as it reduces or advances the tolls therein.

5. Until such special freight tariff comes into effect, no such special freight toll or tolls shall be charged by the company. R.S., c. 37, s. 328; 1-2 G. V., c. 22, s. 11. Am.

No tolls until tariff in force.

**332.** Competitive tariffs shall be filed by the company with the Board and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect: Provided that where it may be necessary to meet the exigencies of competition, or as the Board shall deem expedient, the Board may make rules and regulations governing the filing or publication of such tariffs, and may provide that any such tariffs may be acted upon and put in operation immediately upon the issue thereof by the company, before they have been filed with the Board, or may in any case make a special order or direction allowing any such tariff to go into effect as the Board shall appoint. R.S., c. 37, s. 329. Am.

Competitive tariffs.

Filing.

*Passenger Tariffs.*

**333.** The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of passengers between points on the railway shall be divided into two classes, namely,—

Division of passenger tariffs.

(*a*) the standard passenger tariff; and,

Standard.

(*b*) special passenger tariffs.

Special.

2. The standard passenger tariff, or tariffs, (where the company is allowed by the Board more than one standard passenger tariff), shall specify the maximum mileage toll or tolls to be charged for passengers for all distances covered by the company's railway; and such distances may be expressed in like manner as provided herein in respect of standard freight tariffs.

What standard passenger tariff shall specify.

3. Special passenger tariffs shall specify the toll or tolls to be charged by the company for passengers, in every case where such tolls are lower than the tolls specified in the company's standard passenger tariff. R.S., c. 37, s. 330. Am.

What special passenger tariffs shall specify.

**334.** A standard passenger tariff shall be filed, approved and published, and amended or supplemented, in the same manner as required by this Act in the case of a standard freight tariff.

Standard passenger tariff.

2. Until the company files its standard passenger tariff and such tariff is so approved and published in *The Canada Gazette*, no tolls shall be charged by the company.

Approved and published.

Tolls authorized

3. When the provisions of this section have been complied with, the tolls in the standard passenger tariff shall, except in the case of special passenger tariffs, be the only tolls which the company is authorized to charge for the carriage of passengers. R.S., c. 37, s. 331.

Special passenger tariffs.

**335.** The company shall file all special passenger tariffs with the Board at least three days before the effective date and shall, for three days previous to the date on which any such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each such tariff, at every station or office of the company where passengers are received for carriage thereunder, and also post up in a prominent place at each such office or station a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file: Provided that the Board may, owing to the exigencies of competition or otherwise, notwithstanding anything in this section contained, determine the time or manner within and according to which publication of any such tariff is to be made.

Notice.

Date and period.

2. The date of the issue and the date on which, and the period, if any, during which, any such tariff is intended to take effect, shall be specified therein.

When effective.

3. When the foregoing provisions have been complied with, any such tariff, unless suspended or postponed by the Board, shall take effect on the date stated therein as the date on which it is intended to take effect, and the company shall thereafter until such tariff is disallowed or suspended by the Board or expires or is superseded by a new tariff, charge the toll or tolls as specified therein, and such tariff shall supersede any preceding tariff or tariffs or any portion or portions thereof, in so far as it reduces or advances the tolls therein.

No toll before tariff

4. Until such tariff comes into effect no such toll or tolls shall be charged by the company. R.S., c. 37, s. 332. Am.

*Joint Tariffs.*

Continuous route in Canada.

**336.** Where traffic is to pass over any continuous route in Canada operated by two or more companies, the several companies shall agree upon a joint tariff for such continuous route, and the initial company shall file such joint tariff with the Board, and the other company or companies, shall promptly notify the Board of its or their assent to and concurrence in such joint tariff.

Joint tariffs, shall be agreed upon.

2. The names of the companies whose lines compose such continuous route shall be shown by such tariffs. Names of companies.

3. If the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic, by sea or inland water, between any places or ports in Canada, and if any such vessel carries traffic between a port in Canada reached by such company and a port in Canada reached by the railway of another company, the vessel and the railway of either company shall be deemed to constitute a continuous route in Canada within the meaning of this section. R.S., c. 37, s. 333. Am. Continuous route in the case of carriage by water.

**337.** In the event of failure by such companies to agree upon any such joint tariff as provided in the last preceding section, the Board on the application of any company or person desiring to forward traffic over any such continuous route, which the Board considers a reasonable and practicable route, or any portion thereof, may require such companies, within a prescribed time, to agree upon and file in like manner a joint tariff for such continuous route, satisfactory to the Board, or may, by order, determine the route, fix the toll or tolls and apportion the same among the companies interested, and may determine the date when the toll or tolls so fixed shall come into effect. Where failure to agree Board may decide.

2. Upon any such order being made the companies shall as soon as possible, or within such time as the Board may require, file and publish a joint tariff in accordance with this Act, and in accordance with such order. Companies to comply.

3. In any case when there is a dispute between companies interested as to the apportionment of a through rate in any joint tariff, the Board may apportion such rate between such companies. Apportionment of through rate.

4. The Board may decide that any proposed through rate is just and reasonable, notwithstanding that a less amount may be allotted to any company out of such through rate than the toll such company would otherwise be entitled to charge. R.S., c. 37, s. 334. Power of Board.

**338.** When traffic is to pass over any continuous route from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, and such route is operated by two or more companies, whether Canadian or foreign, the several companies shall file with the Board a joint tariff for such continuous route. R.S., c. 37, s. 335. From Canada to foreign country.

From foreign country to Canada.

**339.** As respects all traffic which shall be carried from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country by any continuous route owned or operated by any two or more companies, whether Canadian or foreign, a joint tariff for such continuous route shall be duly filed with the Board. R.S., c. 37, s. 336.

Continuous carriage not to be prevented.

**340.** No company shall, by any combination, contract or agreement, express or implied, or by other means or device, prevent the carriage of goods from being continuous from the place of shipment to the place of destination.

Break in bulk, etc.

2. No break in bulk, stoppage or interruption made by such company shall prevent the carriage of goods from being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage, or to evade any of the provisions of this Act. R.S., c. 37, s. 337.

Filing and publication of joint tariffs.

**341.** Joint tariffs shall, as to the filing and publication thereof, be subject to the same provisions in this Act as are applicable to the filing and publication of local tariffs of a similar description; and upon any such joint tariff being so duly filed with the Board the company or companies shall, until such tariff is superseded, or disallowed by the Board, charge the toll or tolls as specified therein: Provided that the Board may except from the provisions of this section the filing and publication of any or all passenger tariffs of foreign railway companies.

Proviso.

Information which Board may require.

2. The Board may require to be informed by the company of the proportion of the toll or tolls, in any joint tariff filed, which it or any other company, whether Canadian or foreign, is to receive or has received. R. S., c. 37, s. 338.

*Posting of Tariffs.*

Where to be posted.

**342.** The company shall deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each of its tariffs, at the following places respectively,—

Standard tariffs.

(*a*) standard passenger and freight tariffs at every station or office of the company where passengers or freight respectively, are received for carriage thereunder;

(*b*) special passenger and freight tariffs, at every station or office of the company where passengers or freight, respectively, are received for carriage thereunder, and such freight tariffs also at each of its stations or offices to which freight traffic is to be carried thereunder; Special tariffs.

(*c*) competitive tariffs, at each freight station or office of the company where goods are to be received and delivered thereunder; Competitive tariffs.

(*d*) joint tariffs for traffic passing over any continuous route in Canada, operated by two or more companies, at each freight station or office where traffic is to be received, and at each freight station to which such tariffs extend; Joint tariffs in Canada.

(*e*) joint tariffs for traffic passing over any continuous route operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, at each freight station or office where such traffic is to be received, and at each freight station or office in Canada to which it is to be carried as its destination; Joint tariffs. From Canada to foreign country.

(*f*) joint tariffs for traffic carried by any continuous route owned or operated by two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country, at each freight station or office in Canada to which such tariffs extend. From foreign country to Canada.

2. The company shall keep on file at its stations or offices, where freight is received and delivered, a copy of the freight classification, or classifications, in force upon the railway, for inspection during business hours. Freight classifications.

3. The company shall post up in a prominent place at each of its stations where passengers or freight, respectively, are received for carriage, a notice in large type directing the public attention to the place in such station where the passenger or freight tariffs, respectively, are kept on file for public inspection during business hours, and the station agent, or person in charge at such station, shall produce to any applicant, on request, any particular tariff in use at that station which he may desire to inspect. Notice to be posted at station of place where tariffs open to inspection.

4. Notwithstanding anything in this section, the Board may, in addition to or in substitution for the publication of any tariff required by this section, by regulation or otherwise, determine and prescribe the manner and form in which any such tariff shall be published or kept open by the company for public inspection, and may exempt from any such publication any competitive tariffs, or any joint tariff for traffic carried by any continuous route,— Power of Board as to publication of tariffs. Exemptions.

From Canada.

(*a*) operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country; or,

From foreign countries.

(*b*) owned or operated by any two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country. R. S., c. 37, s. 339. Am.

*Presumption as to Legal Tolls.*

Tariff.

**343.** If the company files with the Board any tariff and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, the tolls under such tariff while so in force shall, in any prosecution under this Act, as against such company, its officers, agents or employees, be conclusively deemed to be the legal tolls chargeable by such company. R. S., c. 37, s. 78.

Presumed legal as against company.

*Special rates for Specific Shipments.*

Regulations permitting.

**344.** Notwithstanding anything in this Act, the Board may make regulations permitting the company to issue special rate notices prescribing tolls, lower than the tolls in force upon the railway, to be charged for specific shipments between points upon the railway, not being competitive points, if it considers that the charging of the special tolls mentioned in any such notices will help to create trade, or develop the business of the company, or be in the public interest, and not otherwise contrary to the provisions of this Act.

Notice to be filed with Board.

2. Every such special rate notice, or a duplicate copy thereof, shall be filed with the Board, and shall exist merely for the purpose of giving effect to the special rate charged for the specific shipment mentioned therein. R. S., c. 37, s. 342.

*Reduced Rates and Free Transportation.*

For Government, charity, expositions, etc.

**345.** Nothing in this Act shall be construed to prevent,—

(*a*) the carriage, storage or handling of traffic, free or at reduced rates, for the Dominion, or for any provincial or municipal government, or for charitable purposes, or to

or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation;

Special tickets, immigrants, commercial travellers.

(*b*) the issuing of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers and their goods or effects, or any member of any organized association of commercial travellers with his baggage;

Railway employees, M.P.P's press, etc.

(*c*) railways from giving free carriage or reduced rates to their own officers and employees, or their families, or to former employees of any railway, or for their goods and effects, or to members of the provincial legislatures or of the press, or to members of the Interstate Commerce Commission of the United States and the officers and staff of such commission, and for their baggage and equipment, or to such other persons as the Board may approve or permit; or,

Exchanging passes, etc.

(*d*) the principal officers of any railway, or any railway, or transportation company, from exchanging passes, or free tickets with other railways, or railway or transportation companies, for their officers and employees and their families, or their goods and effects:

Board may regulate.

Provided that the carriage of traffic by the company under this section may, in any particular case, or by general regulation, be extended, restricted, limited or qualified by the Board. R. S., c. 37, s. 341; 9-10 E. VII., c. 50, s. 11.

Members of Parliament and Board, etc., free.

**346.** Members of the Senate and House of Commons of Canada, with their baggage, and members of the Board and such officers and staff of the Board as the Board may determine, with their baggage and equipment, shall, on production of cards, certifying their membership or right, which shall be furnished them by the Clerk of the Senate or of the House of Commons or the Secretary of the Board, as the case may be, be entitled to free transportation on any of the trains of the company; and the company shall also, when required, haul free of charge any car provided for the use of the Board. R.S., c. 37, s. 343. Am.

*Contracts, etc., Limiting Carriers' Liability.*

Contracts, etc., impairing carriers' liability.

**347.** No contract, condition, by-law, regulation, declaration or notice made or given by the company, impairing, restricting or limiting its liability in respect of the carriage of

any traffic, shall, except as hereinafter provided, relieve the company from such liability, unless such class of contract, condition, by-law, regulation, declaration or notice shall have been first authorized or approved by order or regulation of the Board.

Power of Board.

2. The Board may, in any case, or by regulation, determine the extent to which the liability of the company may be so impaired, restricted or limited.

Board may prescribe terms.

3. The Board may by regulation prescribe the terms and conditions under which any traffic may be carried by the company.

Bills of lading to be in French and English in Quebec.

4. Railway companies shall print in both the English and French languages the bills of lading that are to be used along their lines within the limits of the province of Quebec. R. S., c. 37, s. 340; 8-9 E. VII., c. 32, s. 14.

*Carrying Dangerous Commodities.*

Dangerous goods.

**348.** No passenger shall carry, nor, except in conformity with any order or regulation made by the Board in that behalf, shall the company be required to carry upon its railway, gunpowder, dynamite, nitroglycerine, or any other goods which are of a dangerous or explosive nature.

Nature must be marked outside.

2. Every person who sends by the railway any such goods shall distinctly mark their nature on the outside of the package containing the same, and otherwise give notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered. R. S., c. 37, s. 286. Am.

Carrying regulated by Board.

**349.** The Company shall not carry any goods of an explosive or dangerous nature except in conformity with the regulations made by the Board in that behalf.

Suspected parcels.

2. The Company may refuse to take, except in conformity with any order or regulation made by the Board in that behalf, any package or parcel which it suspects to contain goods of an explosive or dangerous nature, or may require the same to be opened to ascertain the fact. R. S., c. 37, s. 287. Am.

*Carrying His Majesty's Mail and Forces.*

Carriage of mails, troops, equipment, etc.

**350.** His Majesty's mail, His Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on His Majesty's service, shall, at all times, when required by the Postmaster General

of Canada, the Commander of the Forces, or any person having the superintendence and command of any police force, respectively, be carried on the railway, and with the whole resources of the company if required, on such terms and conditions and under such regulations as the Governor in Council makes. R. S., c. 37, s. 289. Regulations.

*Checking Passengers' Baggage.*

**351.** A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport; and a duplicate of such check shall be given to the passenger delivering the same. Company to affix checks.

2. In the case of excess baggage the company shall be entitled to collect from the passenger, before affixing any such check, the toll authorized under this Act. R. S., c. 37, s. 283. Excess baggage.

*Passenger Employees to wear Badges.*

**352.** Every employee of the company employed in a passenger train or at a passenger station shall wear upon his hat or cap a badge which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property. R. S., c. 37, s. 280. Not entitled to exercise office without badge.

*Passengers refusing to pay Fare.*

**353.** Every passenger who refuses to pay his fare or produce and deliver up his ticket upon the request of the conductor may, by the conductor of the train and the train servants of the company, be expelled from and put out of the train, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects: Provided that the conductor shall first stop the train and use no unnecessary force. R. S., c. 37, s. 281. Expulsion.

*Collection of Tolls.*

**354.** In case of refusal or neglect of payment on demand of any lawful tolls, or any part thereof, the same shall be recoverable in any court of competent jurisdiction. R. S., c. 37, s. 344. May be enforced in any court.

Seizure and sale of goods subject to tolls.

**355.** The company may, instead of proceeding as aforesaid for the recovery of such tolls, seize the goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof.

Sale of goods.

2. If the tolls are not paid within six weeks, and, where the goods are perishable goods, if the tolls are not paid upon demand, or such goods are liable to perish while in the possession of the company by reason of delay in payment or taking delivery by the consignee, the company may advertise and sell the whole or any part of such goods, and, out of the money arising from such sale, retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale.

Application of proceeds.

Surplus.

3. The company shall pay or deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto. R. S., c. 37, s. 345.

Unclaimed goods.

**356.** If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the official gazette of the province in which such goods are, and in such other newspapers as it deems necessary, sell such goods by public auction, at a time and place which shall be mentioned in such advertisement, and, out of the proceeds thereof, pay such tolls and all reasonable charges for storing, advertising and selling such goods.

Sale.

Proceeds.

Balance.

2. The balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto.

If unclaimed.

3. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be deposited with the Minister of Finance for the public uses of Canada.

Limitation of time for claim.

4. Such balance may be claimed by the person entitled thereto at any time within six years from the date of such deposit. R. S., c. 37, ss. 346, 347.

*Refund of Tolls.*

Refund on application only.

**357.** The Board may, where it finds that a toll which has been collected or received by the company is illegal, order the company to refund the portion of such toll which is in excess of the legal toll, with interest upon such excess at the rate of five per cent per annum from the date of collection of such toll; but no such refund shall be ordered unless application for adjustment has first been made by

the claimant to the company, nor unless application is made to the Board within one year after the date of collection or receipt by the company of such toll. New. Limitation.

*Traffic by Water.*

**358.** The provisions of this Act shall, so far as deemed applicable by the Board, extend and apply to the traffic carried by any railway company by sea or by inland water, between any ports or places in Canada, if the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic by sea or by inland water between any such ports or places, and the provisions of this Act in respect of tolls, tariffs and joint tariffs shall, so far as deemed applicable by the Board, extend and apply to all freight traffic carried by any carrier by water from any port or place in Canada to any other port or place in Canada. R. S., c. 37, s. 7 (1). Am. When Act applies to.

*Tolls and Traffic on Bridges and Tunnels.*

**359.** The provisions of this Act in respect of tolls, tariffs and traffic shall, in so far as the Board deems them applicable, extend and apply to,— Provisions apply to—

(*a*) any company which has power under any Special Act to construct, maintain and operate any bridge or tunnel for railway purposes, or for railway and traffic purposes, and to charge tolls for traffic carried over, upon or through such structure by any railway; and, Bridge or tunnel company.

(*b*) the traffic so carried over, upon or through such structure. R. S., c. 37, s. 7 (2). Am. Traffic thereby.

EXPRESS BUSINESS.

*Express Tolls and Tariffs.*

**360.** All express tolls shall be subject to the approval of the Board. Approval of tolls.

2. The Board may disallow any express tariff or any portion thereof which it considers unjust or unreasonable, and shall have and may exercise all such powers with respect to express tolls and such tariffs as it has or may exercise under this Act with respect to freight tolls and freight tariffs; and Powers of Board.

Application of Act.

all the provisions of this Act applicable to freight tolls and freight tariffs, in so far as such provisions are applicable and not inconsistent with the provisions of this section and the five next following sections, shall apply to express tolls and tariffs. R. S., c. 37, s 348.

Tariff of tolls.

**361.** Tariffs of such express tolls shall be filed with the Board and shall be in such form, size and style and give such information, particulars and details as the Board, from time to time, by regulation or by order in any particular case, prescribes. R. S., c. 37, s. 349.

Goods not to be carried until tariff is filed, or after disallowance.

**362.** No company shall carry or transport any goods by express, unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner hereinbefore provided; or, in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or in any case where such express toll in any tariff has been disallowed or suspended by the Board. R. S., c. 37, s. 350.

Tolls not to be charged until filed and approved. Proviso.

**363.** No express toll shall be charged in respect of which there is default in such filing, or which is disallowed or suspended by the Board: Provided that any company, person or corporation which was, immediately previous to the thirteenth day of July, one thousand nine hundred and six, charging express tolls, may, without such filing or approval, for such period as the Board allows, charge such express tolls as such company, person or corporation, immediately previous to the said date, might lawfully have charged. R. S., c. 37, s. 351.

*Board may define Carriage by Express.*

Board may define carriage by express.

**364.** The Board may by regulation, or in any particular case, prescribe what is carriage or transportation of goods by express, or whether goods are carried or transported by express within the meaning of this Act. R.S., c. 37, s. 352.

*Contracts Limiting Liability of Express Companies.*

Conditions limiting liability to be approve by Board.

**365.** No contract, condition, by-law, regulation, declaration or notice made or given by any company or any person or corporation charging express tolls impairing, restricting or limiting the liability of such company, person or corporation with respect to the collecting, receiving,

caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, shall have any force or effect unless first approved by order or regulation of the Board.

Regulation of carriage by express.

2. The Board may in any case or by regulation,—

(*a*) determine the extent to which the liability of such company, person or corporation may be so impaired, restricted or limited; and,

(*b*) prescribe the terms and conditions under which goods may be collected, received, cared for or handled for the purpose of sending, carrying or transporting them by express, or under which goods may be sent, carried, transported or delivered by express by any such company, person or corporation. R.S., c. 37, s. 353.

*Returns by Companies Charging Express Tolls.*

Annual return by company.

**366.** Every company and every person and corporation charging express tolls shall make to the Board an annual return of its capital, business and working expenditure, and such other information and particulars, including a statement of unclaimed goods, as the Board directs.

Form, etc., of return.

2. Such return shall be made in such form, covering such period, and at such time, and shall be published in such manner, as the Board from time to time directs. R. S., c. 37, s. 354.

TELEGRAPHS, TELEPHONES, POWER AND ELECTRICITY.

*Telegraphs and Telephones on Railways for Railway Purposes.*

Telegraph and telephone lines.

**367.** The railway company may, as incidental to and as part of its undertaking, construct and operate telegraph and telephone lines upon its railway for the purposes of its undertaking.

Arrangements with other companies.

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

Part II, of the Telegraphs Act o apply.

3. Part II. of *The Telegraphs Act* shall apply to the telegraphic business of the railway company. R.S., c. 37, s. 244.

*Special Powers of Railway Companies.*

Electric and other power.

**368.** Whenever in any Special Act hereafter passed it is stated or provided that a railway company shall have power to acquire, transmit and distribute electric and other power or energy, such company, subject to the provisions of sections 370 and 373 of this Act, may for the purposes of its undertaking acquire, but not by expropriation, electric and other power or energy, and transmit and deliver the same to any place in the municipalities through which the railway is built, and 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, and the Board may revise such rates and charges wherever it deems proper. New.

Telegraphs and telephones.

**369.** Whenever in any Special Act hereafter passed it is stated or provided that a railway company shall have power to transmit telegraph and telephone messages for the public and collect tolls therefor, such company may, subject to the provisions of this 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 this 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 subject to Act.

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 such company except in accordance with section 375 of this Act, and the said company and its said business and works shall in all respects be subject to the provisions of the said section.

Part II of Telegraphs Act to apply

3. Part II. of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act, shall apply to the telegraphic business of such company. New.

Control of municipality.

**370.** No power conferred as in the last two preceding sections mentioned and nothing in the said sections or in *The Telegraphs Act*, shall authorize such company to construct or operate any line along any highway or public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place, nor without complying with any

terms stated or provided for in such by-law, or authorize such company to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality. New.

*Telephone Connection with Railway Stations.*

Municipal and other systems, connection with stations, etc.

**371.** Whenever any municipality, corporation or incorporated company has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of a railway company in such district, and cannot agree with such company with respect thereto, such municipality, corporation or incorporated company may apply to the Board for leave therefor.

Board may order upon terms.

2. The Board may order the railway company to provide for such connection or communication upon such terms as to compensation or otherwise as the Board deems just and expedient, and may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

Contracts giving exclusive privileges not to be taken into consideration.

3. Notwithstanding anything in any Act contained, the Board, in determining the terms or compensation upon which any such connection or communication is to be provided for, shall not take into consideration any contract, lease or agreement now or hereafter in force by which the railway company has given or gives any exclusive or other privilege to any company or person, other than the applicant, with respect to any such station or premises. R.S., c. 37, s. 245.

*Putting Wires Across Railways or Other Wires.*

Obtaining leave.

**372.** Except as provided in subsection 5 of this section, no lines or wires for telegraphs, telephones, or the conveyance of light, heat, power or electricity, shall be erected, placed or maintained across the railway or across other such lines or wires within the legislative authority of the Parliament of Canada, without leave of the Board.

Plans to be submitted to Board.

2. Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway or other work proposed to be affected, showing the proposed location of such lines and wires and the works contemplated in connection therewith.

Board may authorize.

3. 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.

Works may be executed.

4. Upon such order being made such lines and wires may be erected, placed and maintained across the railway or other work subject to and in accordance with such order. R.S., c. 37, s. 246. Am.

Exception where consent and compliance with regulations.

5. An order of the Board shall not be required in cases in which wires or other conductors for the transmission of electrical energy are to be erected or maintained over or under a railway, or over or under wires or other conductors for the transmission of electrical energy with the consent of the railway company or the company owning or controlling such last mentioned wires or conductors, in accordance with any general regulations, plans or specifications adopted or approved by the Board for such purposes. 1–2 G.V., c. 22, s. 7.

*Putting Lines or Wires Across or Along Highways, etc.*

Lines and wires on highways and public places.

**373.** Subject to the provisions of the other subsections of this section, any company empowered by Special Act or other authority of the Parliament of Canada to construct, operate and maintain telegraph or telephone lines, or lines for the conveyance of light, heat, power or electricity, may, for the purpose of exercising the said powers, enter upon, and, as often as the company thinks proper, break up and open any highway, square or other public place, provided always that,—

Conditions. Travel and access.

(*a*) such company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway or free access to any building;

Height of wires.

(*b*) such company shall not permit any wire to be less than twenty-two feet, or less than any greater height the Board may direct, above such highway or public place, or erect more than one line of poles along any highway;

Poles.

(*c*) all poles shall be as nearly as possible straight and perpendicular, and shall, in cities and towns, be painted;

Trees.

(*d*) such company shall not unnecessarily nor without giving at least ten days previous notice to the owner thereof or to the municipality, nor in any case where forbidden by the Board, cut down or mutilate any shade, fruit or ornamental trees, but the Board may when it deems proper dispense with such notice and may in any case make any order or direction it deems fit respecting such trees;

Supervision.

(*e*) the opening up of any street, square, or other public place for the erection of poles, or for the carrying of wires under ground, shall be subject to the supervision of

such person as the municipal council may appoint, and such street, square or other public place shall, without any unnecessary delay, be restored, as far as possible, to its former condition;

Where necessary to cut wires or remove poles.

(*f*) if, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed by cutting or otherwise, such company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of such company so doing such person may remove such wires and poles at the expense of such company;

Damage.

(*g*) such company shall be responsible for all unnecessary damage which it causes in carrying out, maintaining or operating any of its said works;

Wires cut in case of fire.

(*h*) such company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;

Workmen to to wear badges.

(*i*) every person employed upon the work of erecting or repairing any line or instrument of such company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of such company and a number by which he can be readily identified.

Consent of municipality.

2. Notwithstanding anything in any Act of the Parliament of Canada or of the legislature of any province, or any power or authority heretofore or hereafter conferred thereby or derived therefrom, no telegraph or telephone line, or line for the conveyance of light, heat, power or electricity, within the legislative authority of the Parliament of Canada, shall, except as hereinafter in this section provided, be constructed, operated or maintained by any company upon, along or across any highway, square or other public place, without the consent, expressed by by-law, of the municipality having jurisdiction over such highway, square or public place, nor without compliance with any terms stated or provided for in such by-law.

Leave of Board.

3. If any company cannot, in respect of any such line, obtain such consent from such municipality, or cannot obtain such consent otherwise than subject to terms and conditions not acceptable to the company, such company may apply to the Board for leave to exercise such powers, and upon such application shall submit to the Board a plan of such highway, square or other public place showing the proposed location of such lines, wires and poles.

Powers of Board.

4. The Board may refuse or may grant such application in whole or in part, and may change or fix the route of such lines, wires or poles, and may by order impose any terms, conditions or limitations in respect of the application which it deems expedient, having due regard to all proper interests.

Exercise of powers.

5. Upon such order being made, and subject to any terms imposed by the Board, such company may exercise such powers in accordance with such order, and shall in the performance and execution thereof, or in the repairing, renewing or maintaining of such lines, wires or poles, conform to and be subject to the provisions of subsection 1 of this section, except in so far as the said provisions are expressly varied by order of the Board.

Putting wires underground etc.

6. Notwithstanding any power or authority heretofore or hereafter conferred upon any company by or under any Act of the Parliament of Canada or of the legislature of any province, or any other authority, the Board, upon the application of the municipality, and upon such terms and conditions as the Board may prescribe, may order any telegraph or telephone line, or line for the conveyance of light, heat, power or electricity, within the legislative authority of the Parliament of Canada, in any city or town, or any portion thereof, to be placed underground, and may in any case order any extension or change in the location of any such line in any city or town, or any portion thereof, and the construction of any new line, and may abrogate the right of any such company to construct or maintain, or to operate, or continue, any such line, or any pole or other works belonging thereto, except as directed by the Board;

Joint order of Board and provincial commission.

and where such a line or lines within the legislative authority of the Parliament of Canada and such a line or lines within the legislative authority of a province, run through or into the same city or town, and such municipality is desirous of having any such lines placed underground, and there exists in such province a provincial commission, public utilities or other board or body having power to order such a line within the legislative authority of such province to be placed underground, the Board and such provincial commission, or public utilities board or body, may by joint session or conference, or by joint board, order any such lines within such city or town, or any portion thereof, to be placed underground, and abrogate any right to carry the same on poles, and the provisions of subsection 3 of section 254 of this Act, with the necessary adaptation, shall apply to every such case.

Existing lines.

7. Except as provided in the last preceding subsection, nothing in this section shall affect the right of any company

to operate, maintain, renew or reconstruct underground or overhead systems or lines, heretofore constructed.

Provisions in special Acts., etc.

8. Nothing in this section shall authorize, or give power to authorize, any company to construct or operate any line or works along any highway or public place without the consent of the municipality having jurisdiction thereover in any case where,—

(*a*) the Special Act applying to such company requires such consent; or,

(*b*) the provisions of section 368, 369 or 370 apply to such company and require such consent;

and where such consent is so required the provisions respecting the same shall be complied with.

Sale of light and power.

9. Nothing contained in this section shall be deemed to authorize any company to exercise the powers therein mentioned for the purpose of selling or distributing light, heat, power or electricity in cities, towns or villages, without such company having first obtained consent therefor by a by-law of the municipality. R.S., c. 37, ss. 247, 248. Am.

*Price and Supply of Certain Power.*

In disputes between lessee of water-power and applicant for electricity Board may fix price.

**374.** In any case where water-power has been acquired under lease from the Crown for the development of electrical energy, and the lessee from the Crown of such water-power and the applicant for the purchase of electrical energy so developed cannot agree as to the quantity to be sold by the lessee to the applicant, and the price to be paid by the applicant to the lessee for such quantity, or either, as the case may be, the Board shall determine and fix the quantity and the price to be paid therefor, or either, as the case may be, and the lessee shall sell, supply and furnish, if the applicant shall then require it, such quantity, and at the price so determined and fixed, as the case may be.

Powers of Board for such purpose

2. For the purpose of determining and fixing such quantity or 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 person 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 purpose aforesaid, the Board shall have all such powers, rights and privileges as are vested in a superior court.

Application of section limited.

3. This section shall not apply to any case where the water-power leased from the Crown, has been acquired for, and is used in the development of electrical energy for the direct and immediate industrial or manufacturing operations of the lessee. 1-2 G. V., c. 22, s. 12.

*Provisions Governing Telegraphs and Telephones.*

Interpretation.

**375.** In this section unless the context otherwise requires,—

"Company."

"company" means a railway company or person authorized to construct or operate a railway, having authority to construct or operate a telegraph or telephone system or line, and to charge telegraph or telephone tolls, and includes also telegraph and telephone companies and every company and person within the legislative authority of the Parliament of Canada having power to construct or operate a telegraph or telephone system or line and to charge telegraph or telephone tolls;

"Special Act."

"Special Act" means any Act under which the company has authority to construct or operate a telegraph or telephone system or line, or which is enacted with special reference to any such system or line, and any letters patent constituting a company's authority to construct or operate a telegraph or telephone system or line, granted under any Act, and the Act under which such letters patent were granted, and includes *The Telegraphs Act* and any general Act relating to telegraphs or telephones.

Tolls subject to approval.

2. Notwithstanding anything in any Act heretofore passed, all telegraph and telephone tolls to be charged by the company, and all charges for leasing or using the telegraphs or telephones of the company, shall be subject to the approval of the Board, and may be revised by the Board from time to time.

Filing of tariffs.

3. The company shall file with the Board tariffs of any telegraph or telephone tolls to be charged, and such tariffs shall be in such form, size and style, and give such information, particulars and details, as the Board, from time to time, by regulation, or in any particular case, prescribes, and, unless with the approval of the Board, the company shall not charge and shall not be entitled to charge any telegraph or telephone toll in respect of which there is default in such filing, or which is disallowed by the Board;

Proviso.

provided that any company, previous to the first day of May, one thousand nine hundred and eight, charging telegraph or telephone tolls, may, without such filing and approval, for such period as the Board allows, charge such telegraph or telephone tolls as such company was immediately previous to the said date authorized by law to charge, unless where the Board has disallowed or disallows such tolls.

Provisions applying to tolls.

4. Such telegraph and telephone tolls may be dealt with by the Board in the same manner as is provided by this Act with respect to standard freight tariffs, and all the provisions of this Act, except as to publication under section

342, applicable to companies thereunder with respect to standard freight tariffs and tolls, shall, in so far as they are applicable, and not inconsistent with the provisions of this section, apply to the company with respect to such telegraph and telephone tariffs and tolls.

Classification of messages.

5. The Board may permit the classification of telegraph, telephone and cable messages into such classes as it deems just and reasonable, and may permit different rates to be charged for such different classes.

Publication of tariffs.

6. The Board may, by regulation or otherwise, determine and prescribe the manner and form in which any tariff or tariffs of telegraph or telephone tolls shall be published or kept open for public inspection.

Long distance connections, power of Board to order.

7. Whenever any company or any province, municipality or corporation, having authority to construct and operate, or to operate, a telephone system or line and to charge telephone tolls, whether such authority is derived from the Parliament of Canada or otherwise, is desirous of using any long distance telephone system or line owned, controlled or operated by the company, in order to connect such long distance telephone system or line with the telephone system or line operated or to be operated by such first mentioned company, or by such province, municipalty or corporation, for the purpose of obtaining direct communication, whenever required, between any telephone or telephone exchange on the one telephone system or line and any telephone or telephone exchange on the other telephone system or line, and cannot agree with the company with respect to obtaining such use, connection or communication, such first mentioned company or province, municipality or corporation may apply to the Board for relief, and the Board may order the company to provide for such use, connection or communication, upon such terms as to compensation as the Board deems just and expedient, and may order and direct how, when, where, by whom, and upon what terms and conditions such use, connection, or communication shall be had, constructed, installed, operated and maintained: Provided that wherever one of such systems or lines is within the legislative authority of a province, and there exists in such province a provincial board, conmission or other body having power to make orders respecting telephone systems or lines within the legislative authority of the province, then the Board and such provincial board, commission or other body, may, by joint session or conference, or by joint board, on the application of the company or of any company, province, municipality or corporation above mentioned, and on such terms as are deemed just, order any long distance use, connection or communication in respect of any tele-

Joint order of Board and provincial commission.

phone systems or lines and anything deemed necessary or expedient therefor, and the provisions of subsection 3 of section 254 of this Act, with the necessary adaptation, shall apply to every such case.

Standards of apparatus to be considered.

8. Upon any such application the Board shall, in addition to any other consideration affecting the case, take into consideration the standards, as to efficiency and otherwise, of the apparatus and appliances of such telephone systems or lines, and shall only grant the leave applied for in case and in so far as, in view of such standards, the use, connection or communication applied for can, in the opinion of the Board, be made or exercised satisfactorily and without undue or unreasonable injury to or interference with the telephone business of the company, and where in all the circumstances it seems just and reasonable to grant the same.

Application of provisions as to joint tariff.

9. Where the telephone system or line operated by the company is used or connected, for purposes of communication as aforesaid, with the telephone system or line operated by any other company or by any such province, municipality or corporation, whether the authority of such company, province, municipality or corporation to construct and operate or to operate such telephone system or line is derived from the Parliament of Canada or otherwise, and whether such connection or communication has been previously or is hereafter established either by agreement of the parties or under an order of the Board, the provisions of this Act with respect to joint tariffs, in so far as they are applicable and not inconsistent with this section or the Special Act, shall apply to such company or companies and to such province, municipality or corporation; and the Board shall have, for the enforcement of its orders in this respect, in addition to all other powers possessed by it therefor, the power to order a discontinuance of such connection or communication between such different telephone systems or lines.

Enforcement of orders.

Working agreements to be approved by Board.

10. All contracts, agreements and arrangements between the company and any other company, or any province, municipality or corporation having authority to construct or operate a telegraph or telephone system or line, whether such authority is derived from the Parliament of Canada or otherwise, for the regulation and interchange of telegraph or telephone messages or service passing to and from their respective telegraph or telephone systems and lines, or for the division or apportionment of telegraph or telephone tolls, or generally in relation to the management, working or operation of their respective telegraph or telephone systems or lines, or any of them, or any part thereof, or of any other systems or lines operated in connection with them or either of them, shall be subject to the approval of the

Board, and shall be submitted to and approved by the Board before such contract, agreement or arrangement shall have any force or effect.

Application of provisions of Act.

11. Without limitation of the generality of this subsection by anything contained in the preceding subsections, the jurisdiction and powers of the Board, and, in so far as reasonably applicable and not inconsistent with this section or the Special Act, the provisions of this Act respecting such jurisdiction and powers, and respecting proceedings before the Board and appeals to the Supreme Court or Governor in Council from the Board, and respecting offences and penalties, and the other provisions of this Act, (except sections 72 to 272, 274 to 284, 289 to 314, 323, 348 to 353, 360 to 366, 395 to 425 and 449 to 457, both inclusive in each case), shall extend and apply to all companies as in this section defined, and to all telegraph and telephone systems, lines and business of such companies within the legislative authority of the Parliament of Canada; and in and for the purposes of such application,—

Interpretation. "Company." "Railway." "Special Act." "Toll." "Rate." "Traffic."

(*a*) "company" or "railway company" shall mean a company as in subsection 1 of this section defined;

(*b*) "railway" shall mean all property real and personal and works forming part of or connected with the telegraph or telephone system or line of the company;

(*c*) "Special Act" shall mean a Special Act as in subsection 1 of this section defined;

(*d*) "toll" or "rate" shall mean telegraph or telephone toll;

(*e*) "traffic" shall mean the transmission of and other dealings with telegraphic and telephonic messages. 7-8 E. VII., c. 61, ss. 1-5; 9-10 E. VII., c. 50, s. 13. Am.

*Marine Electric Telegraphs or Cables.*

Marine telegraphs and cables, when Act to apply to. "Telegraph." "Telegraph tolls." "Traffic."

**376.** After this section is brought into effect, section 375 of this Act shall extend and apply to marine electric telegraphs or cables; and,

"telegraph" in the said section, unless the context otherwise requires, shall include marine electric telegraph or cable;

"telegraph toll" in the said section, unless the context otherwise requires, shall include any toll, rate or charge to be charged by the company to the public or to any person for the transmission of messages by any marine electric telegraph or cable system whereby messages are transmitted from, to or through Canada;

"traffic" in the interpretation provided for by paragraph (*e*) of subsection 11 of the said section, and as the application of the said section is extended by the coming into force of this section, shall include messages trans-

mitted from Canada to any other country by means of any marine electric telegraph or cable line; or, to Canada from any other country by the like or similar means; or, through, or into, or from any part of Canada by means of any marine electric telegraph or cable lines acting in conjunction with land lines or by land lines acting in conjunction with marine electric telegraph or cable lines, by means of a through route or otherwise.

Four months to obtain approval of tariffs.

2. Every company to which this section applies shall have four months after this section comes into force within which to file and obtain approval of its tariffs and tolls; but the Board may, upon application and upon good and sufficient ground being shown, extend such time to a period not exceeding one year, including the said four months.

Coming into force.

3. This section shall come into force upon similar provision being made by the proper authority in the United Kingdom, and upon proclamation of the Governor in Council. 9-10 E. VII., c. 57.

*Government Use and Construction of Telegraphs and Telephones.*

Government may have exclusive use.

**377.** Every railway, telegraph and telephone company shall, when required so to do by the Governor in Council, or any person authorized by him, place at the exclusive use of the Government of Canada any electric telegraph and telephone lines, and any apparatus and operators which it has.

Compensation.

2. Such company shall thereafter be entitled to receive reasonable compensation for such service. R. S., c. 37, s. 290.

Government may erect wires on railway.

**378.** The Governor in Council may, at any time, cause a line or lines of electric telegraph or telephone to be constructed along the line of any railway, for the use of the Government of Canada, and, for that purpose, may enter upon and occupy so much of the lands of the company as is necessary for the purpose. R. S., c. 37, s. 291.

STATISTICS AND RETURNS.

*To the Minister.*

Annual returns.

**379.** Every railway, telegraph, telephone and express company and every carrier by water 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.

Attestation.

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 or carrier by water, and shall also be attested upon the oath of the president, or, in his absence, of the vice-president or manager of the company or carrier by water, or shall be signed and attested by such other person or persons as the Minister may direct.

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 or carrier by water extend, or, if no such returns have been previously made, from the commencement of the operation of the railway, or other works, or undertaking, 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. 8-9 E. VII., c. 32, s. 2. Am.

Traffic returns weekly.

**380.** Every railway, telegraph, telephone and express company and every carrier by water, 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 or carrier responsible for the correctness of such returns, shall be forwarded by the company or carrier 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. 8-9 E. VII., c. 32, s. 2. Am.

Annual returns of accidents showing—

**381.** Every railway, telegraph, telephone and express company and every carrier by water shall annually, or more frequently if the Minister so requires, make to the Minister, under the oath of the president, secretary or superintendent of the company, or carrier, or of such other person as the Minister may direct, a true and particular return of all accidents and casualties, whether to persons, or to animals or other property, which have occurred on the property or in

connection with the operation of the undertaking of the company, or carrier, setting forth,—

Causes and nature.

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

Locality and and time.

(*b*) the points at which such accidents and casualties occurred, and whether by night or by day; and,

Extent and particulars.

(*c*) the full extent of such accidents and casualties and all the particulars thereof.

Period for which returns made

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

Copies of returns.

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

Copies of by-laws.

4. Every such company and every carrier by water shall also, when required by the Minister, return a true copy of the existing by-laws of the company, or carrier, and of its rules and regulations for the management of the company or carrier, and of its railway, or of such other undertaking or business as it is authorized to carry on.

Form.

5. The Minister may order and direct the form in which such returns shall be made up. 1-2 G. V., c. 22, s. 14. Am.

Minister may require further returns as to accidents.

**382.** The Minister may order and direct any railway company to make up and deliver to the Minister, from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the Minister deems necessary and requires for his information with a view to public safety. R. S., c. 37, s. 373.

Returns privileged.

**383.** All returns made in pursuance of any of the provisions of the four sections of this Act last preceding shall be privileged communications, and shall not be evidence in any court whatsoever, except in any prosecution for,—

Exceptions

(*a*) default in making such returns in accordance with the requirements of this Act;

(*b*) perjury in making any oath required by this Act in connection with such returns;

(*c*) forgery of any such return; or,

(*d*) signing any such return knowing the same to be false. R. S., c. 37, s. 374.

*To the Board.*

**384.** The Board may, from time to time, by notice served upon any railway, telegraph, telephone or express company or any officer, servant or agent of such company, require it, or such officer, servant or agent, to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires,— Board may require returns.

(*a*) the assets and liabilities of such company; Assets and liabilities.

(*b*) the amount of its stock issued and outstanding, and the date at which any such stock was so issued; Stock.

(*c*) the amount and nature of the consideration received by such company for such issue, and, in case the whole of such consideration was not paid to such company in cash, the nature of the service rendered to or property received by such company for which any stock was issued; Consideration for stock.

(*d*) the gross earnings or receipts or expenditure by such company during any periods specified by the Board, and the purposes for which such expenditure was made; Earnings and expenditures.

(*e*) the amount and nature of any bonus, gift, or subsidy, received by such company from any source whatsoever; and the source from which, and the time when, and the circumstances under which, the same was so received or given; Bonuses and subsidies.

(*f*) the bonds issued at any time by such company, and what portion of the same are outstanding and what portion, if any, have been redeemed; Bonds.

(*g*) the amount and nature of the consideration received by such company for the issue of such bonds; Consideration.

(*h*) the character and extent of any liabilities outstanding chargeable upon the property or undertaking of such company, or any part thereof, and the consideration received by such company for any such liabilities, and the circumstances under which the same were created; Liabilities.

(*i*) the cost of construction of such company's railway or other works or any part thereof; Cost of construction.

(*j*) the amount and nature of the consideration paid or given by such company for any property acquired by it; Cost of property.

(*k*) the particulars of any lease, contract or arrangement entered into between such company and any other company or person; and, Leases and contracts.

(*l*) generally, the extent, nature, value and particulars of the property, earnings and business of such company. Generally.

2. The Board may summon, require the attendance of and examine under oath, any officer, servant or agent of such company, or any other person, as to any matters included in such return, or which were required by notice Board may require attendance and production.

aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board, is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in this section aforesaid; and for such purposes may require the production to the Board of any books or documents in control of such company, or such officer, servant, agent or person.

Information for use of Board only.

3. Any information furnished to the Board by any such return, or any evidence taken by the Board in connection therewith, shall not be open to the public, or published, but shall be for the information of the Board only.

And Governor in Council.

4. The Governor in Council may nevertheless require the Board to communicate to him in Council any or all information obtained by it in the manner aforesaid.

Board may make information public on notice to company.

5. The Board may authorize any part of such information to be made public when, and in so far as there may appear to the Board to be good and sufficient reasons for so doing: Provided that if the information so proposed to be made public by the Board, is of such character that such company would, in the opinion of the Board, be likely to object to the publication thereof, the Board shall not authorize such information to be published without notice to such company and hearing any objection which such company may make to such publication. R.S., c. 37, s. 375.

## Actions for Damages.

### *Breach of Duty under Act.*

Damages for breach of duty under Act.

**385.** Any company, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such company, that does, causes or permits to be done, any matter, act or thing contrary to the provisions of this or the Special Act, or to the orders or directions of the Governor in Council, or of the Minister, or of the Board, made under this Act, or omits to do any matter, act or thing, thereby required to be done on the part of any such company, or person, shall, in addition to being liable to any penalty elsewhere provided, be liable to any person injured by any such act or omission for the full amount of damages sustained thereby, and such damages shall not be subject to any special limitation except as expressly provided for by this or any other Act. R.S., c. 37, s. 427 (2); 9-10 E. VII., c. 50, s. 12.

### *Cattle Getting on Railway.*

Damages where animals get on railway.

**386.** When any horses, sheep, swine or other cattle, whether at large or not, get upon the lands of the company and by reason thereof damage is caused to or by such animal, the person suffering such damage shall be entitled to recover

the amount of such damage against the company in any action in any court of competent jurisdiction unless the company establishes that such damage was caused by reason of,— Exceptions.

(*a*) any person for whose use any farm crossing is furnished, or his servant or agent, or the person claiming such damage or his servant or agent, wilfully or negligently failing to keep the gates at each side of the railway closed when not in use; or, Gates not kept closed.

(*b*) any person other than an officer, agent, employee or contractor of the company wilfully opening and leaving open any gate, on either side of the railway provided for the use of any farm crossing, without some one being at or near such gate to prevent animals from passing through the gate on to the railway; or, Gates wilfully left open.

(*c*) any person other than an officer, agent, employee or contractor of the company taking down any part of a railway fence; or, Fence taken down.

(*d*) any person other than an officer, agent, employee or contractor of the company turning any such animal upon or within the enclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person using all reasonable care and precaution to avoid accidents; or, Animals turned on railway.

(*e*) any person other than an officer, agent, employee or contractor of the company, except as authorized by this Act, without the consent of the company, riding, leading or driving any such animal or wilfully suffering the same to enter upon any railway, and within the fences and gates thereof. Animals ridden, etc. on railway.

2. Where any such animal, by reason of being at large within half a mile of the intersection of a highway with any railway at rail level contrary to the provisions of section 280, is killed or injured by any train at such point of intersection, the owner of such animal shall not have any right of action against any company in respect of the same being so killed or injured; but contravention of the said section shall not in any other case, nor shall the fact that the company is not guilty of any negligence or breach of duty, prevent any person from recovering damage from the company under this section. Animals killed or injured at highway crossing.

3. Nothing in this section shall be construed as relieving any person from the penalties imposed by section 407 of this Act. R.S., c. 37, ss. 294 (3)-(5), 295; 9-10 E. VII., c. 50, s. 8. Am. Penalty not affected.

*Fires from Locomotives.*

**387.** Whenever damage is caused to any property by a fire started by any railway locomotive, the company making use of such locomotive, whether guilty of negligence or not, Liability for fire caused by locomotive.

shall be liable for such damage, and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction : Provided that if it be shown that the company has used modern and efficient appliances, and has not otherwise been guilty of any negligence, the total amount of compensation recoverable from the company under this section in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed five thousand dollars ; provided also that if there is any insurance existing on the property destroyed or damaged, where the company has used modern and efficient appliances and has not otherwise been guilty of negligence, the total amount of damages sustained by any claimant in respect of the destruction or damage of such property shall, for the purposes of this section, be reduced by the amount received or recoverable by or for the benefit of such claimant in respect of such insurance.

Proviso.

Insurance.

No action.

2. No action shall lie against the company by reason of anything in any such policy of insurance or by reason of payment of any moneys thereunder.

Limitation.

3. In any action or proceeding under this section the limitation of one year prescribed by section 391 of this Act shall begin to run from the date of final judgment in any action brought by the assured to recover such insurance money, or, in the case of settlement, from the date of the receipt of such money by the assured, as the case may be.

*Pro rata* apportionment.

4. Where the amount recoverable from the company is limited to such five thousand dollars and such sum is not sufficient to pay all the claims in full, it shall be apportioned among the claimants *pro rata* according to the claims established.

Determination of claims by judge.

5. Where it is made to appear that the total amount of the claims may exceed the said sum, a judge of any superior court of competent jurisdiction may make such order as he deems fit for the proper determination and adjustment of all such claims and of the liability of the company, and, if he deems proper, may stay or consolidate any action or actions, and may direct advertisement for such claims and filing and adjudication thereof in such manner and before such tribunal, officer or person as he deems fit, and may order that after such advertisement or notice as he directs all claims not filed and established as directed shall thereafter be barred; and the costs of any such proceedings shall be paid as such judge directs.

Costs.

Restrictions.

6. Except under or in pursuance of such an order, the company shall not be entitled to have any action under this section stayed or the amount recoverable therein lessened because of the limitation of its liability to five thousand dollars as aforesaid, nor shall any payment made by the

company to any claimant otherwise than under or in pursuance of such an order prejudice the right of any other claimant to receive his due proportion of such five thousand dollars.

7. Nothing in the last two preceding subsections shall prevent or prejudice any action or claim against the company for failure to use modern and efficient appliances or for other negligence. Exception.

8. The company shall have an insurable interest in all property upon or along its route, for which it may be held liable to compensate the owners for loss or damage by fire caused by a railway locomotive, and may procure insurance thereon in its own behalf. 1–2 G. V., c. 22, s. 10. Am. Insurable interest in property.

*Failure to Properly Equip Trains.*

**388.** Every company which fails to comply with any requirement of this Act,— Failure to properly equip trains.

(*a*) with respect to providing and causing to be used on its trains modern and efficient apparatus, appliances or means, or any apparatus, appliance or means in this Act specified, for the providing of communication between the conductor and the engine driver, or for the checking of the speed of any train or the bringing of the same expeditiously to a standstill, or for the secure coupling and connecting of the cars and the engine composing the train; or,

(*b*) with respect to equipping its box freight cars, for the security of its employees, with outside ladders and hand-grips, or, if the Board so requires, with any other improved side attachment required by the Board; or, Box freight cars.

(*c*) with respect to adopting and using upon its rolling stock draw bars of a height determined by the Board ; Draw bars.

shall, in addition to being liable to any penalty elsewhere provided, be liable to pay to all such persons as are injured by reason of the non-compliance with such requirements, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person, unless such agreement is authorized by the law of the province in which it is made and by regulation of the Board. R. S., c. 37, s. 386 (2). Penalty.

*Infraction of Order respecting Tolls.*

**389.** Every company shall, in addition to any penalty in this Act provided in respect of any infraction by the company, or any officer, servant or agent of the company, of any provision of this Act, or of any order, direction, decision or regulation made or given by the Board under this Act, in respect of tolls, be liable, at the suit of any Infraction of order respecting tolls.

Triple damages.

person injured by reason of any such infraction, to three times the amount of the actual damage which such person may be proved to have so sustained.

No action without leave of Board.

2. No action shall be commenced for the recovery of any such triple damages without the leave of the Board first being obtained. R. S., c. 37, s. 404. Am.

*Injuries on Platform, Baggage or Freight Car.*

No claim for injuries in certain cases.

**390.** No person injured while on the platform of a car, or on any baggage, or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of the passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time. R. S., c. 37, s. 282.

*Limitation and Defences.*

Limitation.

**391.** All actions or suits for indemnity for any damages or injury sustained by reason of the construction or operation of the railway shall, and, notwithstanding anything in any Special Act, may, be commenced within one year next after the time when such supposed damage is sustained, or, if there is continuation of damage, within one year next after the doing or committing of such damage ceases, and not afterwards.

Exceptions—carriage of traffic, tolls.

2. Nothing in subsection 1 of this section shall apply to any action brought against the company upon any breach of contract, express or implied, for or relating to the carriage of any traffic, or to any action against the company for damages under the provisions of this Act respecting tolls.

Pleadings.

3. Notwithstanding anything in any Special Act or elsewhere contained, the pleadings in any action or suit against the company shall be governed by the law or rules of procedure of the court in which such action or suit is brought, and the company shall not, unless permitted by such law or rules, be entitled to plead the general issue.

Company not relieved by inspection, etc.

4. No inspection under or by the authority of this Act, and nothing in this Act and nothing done, ordered or directed, or required or provided for, or omitted to be done, ordered or directed or required or provided for, under or by virtue of the provisions of this Act, shall, except in so far as a compliance with the Act or with such order or direction, or requirement or provision, constitutes a justification for what would otherwise be wrongful, relieve, or be construed to relieve, any company of or from, or in any wise diminish or affect, any liability or responsibility resting upon it by law, either towards His Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted

to be done by such company, or for any wrongful act, negligence or default, misfeasance, malfeasance, or non-feasance, of such company. R. S., c. 37, s. 306. Am.

OFFENCES, PENALTIES AND OTHER LIABILITY.

*Disobeying Orders of Board.*

Disobeying orders of Board.

**392.** Every company and every municipal or other corporation which neglects or refuses to obey any order of the Board made under the provisions of this Act, shall, for every such offence, be liable to a penalty of not less than twenty dollars nor more than five thousand dollars.

Liability of officers of company.

2. Wherever it is proved that any company has neglected or refused to obey an order of the Board made under the provisions of this Act, the president, the vice-president, each vice-president where there are more than one, and every director, managing director and superintendent, of such company shall each be guilty of an offence for which he shall be liable to a penalty of not less than twenty dollars and not more than five thousand dollars, or imprisonment for any period not exceeding twelve months, or both, unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out, and to procure obedience to and carrying out of, such order, and that he was not at fault for the neglect or refusal to obey the same.

Liability of officers of municipality or corporation.

3. Wherever it is proved that any municipal or other corporation has neglected or refused to obey any order of the Board made under the provisions of this Act, the mayor, warden, reeve or other head of such corporation, and every member of the council or other ruling or executive body of such corporation, shall each be guilty of an offence for which he shall be liable to a penalty of not less than twenty dollars and not more than five thousand dollars, or imprisonment for any period not exceeding twelve months, or both, unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out, and to procure obedience to and carrying out of, such order, and that he was not at fault for the neglect or refusal to obey the same.

Other liability continues.

4. Nothing in or done under this section shall lessen or affect any other liability of such company, corporation or person, or prevent or prejudice the enforcement of such order in any other way.

Prosecution.

5. No prosecution shall be had under this section except by leave or direction of the Board. New.

*Obstructing Inspecting Engineers.*

As to transmission of telegraph messages.

**393.** Every operator or officer employed in any telegraph office of the company, or under the control of the company,

who neglects or refuses to obey, without unnecessary delay, all orders of any inspecting engineer for the transmission of messages shall, for every such offence, be liable on summary conviction to a penalty of forty dollars. R.S., c. 37, s. 405.

Penalty.

Obstructing inspecting engineer on duty.

2 Every person who wilfully obstructs any inspecting engineer in the execution of his duties shall be liable on summary conviction to a penalty not exceeding forty dollars, and, in default of payment thereof forthwith, or within such time as the convicting justice appoints, to imprisonment with or without hard labour for any term not exceeding three months. R.S., c. 37, s. 406.

Penalty.

*Stock and Bond Issues.*

Issuring without leave of Board.

**394.** Every director, officer, employee or agent of a company, who,—

(*a*) issues, signs, certifies or delivers, or causes or is a party to or assists in the issue, signing, certifying or delivery, of any stock, shares, certificates of stock, bonds debentures, debenture stock, notes, mortgages, or other securities or evidences of indebtedness, of the company, payable more than one year after the date thereof or issued otherwise than solely for money consideration, leave for the issue of which has not been first obtained from the Board; or

Misapplying proceeds.

(*b*) applies the proceeds, or any of the proceeds, of any stock, shares, certificates of stock, bonds, debentures, debenture stock, notes, mortgages or other securities or evidences of indebtedness, of the company, leave to issue which has been obtained from the Board, or causes or is a party to or assists in the application of any such proceeds, to any purpose other than that for which the Board granted such leave, or contrary to any order of the Board; or

Failing to account.

(*c*) fails to account for any such proceeds as an order of the Board requires; or

Selling for less than price fixed.

(*d*) issues, sells, delivers, or disposes of, or causes or is a party to or assists in the issue, sale, delivery or disposal of, any stock, shares, certificates of stock, bonds, debentures, debenture stock, notes, mortgages, or other securities or evidences of indebtedness, of the company, for less than the price fixed by the Board;

shall be liable to a penalty not exceeding five thousand dollars or to imprisonment for any period not exceeding two years or to both such fine and such imprisonment. New.

*Purchase of Railway Securities.*

Company not to purchase.

**395.** Every director of a railway company who knowingly permits the funds of any such company to be applied either directly or indirectly in the purchase of its own stock,

or in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities, contrary to the provisions of this Act, shall incur a penalty of one thousand dollars for each such violation. Penalty.

2. The acquisition of each share, bond or other security or interest as aforesaid shall be deemed a separate violation of this section. Separate offences.

3. Such penalty shall be recoverable on information filed in the name of the Attorney General of Canada, and a moiety thereof shall belong to His Majesty, and the other moiety thereof shall belong to the informer. R.S., c. 37, s. 376. Recovery and application.

*Schemes of Arrangement with Creditors.*

**396.** If any railway company fails to keep at all times, at its principal or head office, printed copies of any scheme of arrangement between the company and its creditors, after such scheme has been confirmed and enrolled as provided by this Act, or to sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy, the company shall incur a penalty not exceeding one hundred dollars, and a further penalty not exceeding twenty dollars for every day during which such failure continues after the first penalty is incurred. R.S., c. 37, s. 424. Failure of company to keep or sell copies. Penalty.

*Filing and Registry.*

**397.** Every railway company, which fails or neglects, within six months after the completion of the undertaking, or within six months after beginning to operate any completed part of the railway, as the case may be, or within such extended or renewed period as the Board at any time directs,— Company neglecting to file.

(*a*) to file with the Board a plan and profile of its completed railway, or of any such part thereof as is completed and in operation, and of the land taken or obtained for the use thereof; or, Plan and profile.

(*b*) to file in the registry offices for the respective districts and counties, in which the parts of such railway so completed, or completed and in operation, are situate, plans of the parts thereof and of the land taken or obtained for the use thereof, located in such districts and counties respectively, prepared on such a scale and in such manner, and form, and signed or authenticated in such manner, as the Board may from time to time by general regulation, or in any individual case, sanction or require; Plan of lands taken.

Penalty.

shall incur a penalty of two hundred dollars, and a like penalty for each and every month during which such failure or neglect continues. R.S., c. 37, s. 378.

Registrar of deeds neglecting his duty.

**398.** Every registrar of deeds with whom it is by this Act required that any plan, profile, book of reference, certified copy thereof, or other document relating to the location or construction of any railway shall be deposited, who refuses or neglects,—

Receiving and preserving documents.

(*a*) to receive and preserve in his office all such plans, profiles, books of reference, certified copies thereof, and other documents duly tendered to him for such deposit; or,

Endorsements.

(*b*) to endorse thereon the day, hour and minute when the same were so deposited; or,

Copies.

(*c*) to allow any person to make extracts therefrom and copies thereof as occasion requires, upon payment of the fees in that behalf by this Act prescribed; or,

Certificates.

(*d*) to certify, at the request of any person, in the manner and with the particulars by this Act required, copies of any such plan, profile, book of reference or document, or such portions thereof as may be required, upon being paid therefor at the rate provided by this Act;

Penalty.

shall be liable on summary conviction to a penalty of ten dollars, and also to an action for damages at the suit of any person injured by any such refusal or neglect. R.S., c. 37, s. 377.

*Removing Industrial Spurs.*

Removing industrial spurs without leave.

**399.** Any company or person who, without consent or order of the Board, removes any spur or branch line constructed under or pursuant to this Act for the purpose of affording railway facilities to, or in connection with, any industry or business established or intended to be established, shall be liable on conviction to a penalty not exceeding one thousand dollars. New.

*Examining Mine Workings.*

Refusing to allow examination of mine workings.

**400.** Any owner, lessee, or occupier of a mine lying under or near a railway or any of the works connected therewith, who, after the company owning or operating such railway has obtained the written permission of the Board and given twenty-four hours notice in writing in that behalf, refuses or neglects to allow any person appointed by such company for that purpose, to enter into and return from such mine or the works connected therewith and make use of any apparatus of such mine and all necessary means for discovering the distance from such railway or works

connected therewith to the parts of such mine which are being worked, in order to ascertain whether such mine is being worked or has been worked so as to injure or be detrimental to such railway or works connected therewith, or to the safety thereof or of the public, shall for every such refusal or neglect be liable on summary conviction to a penalty not exceeding one hundred dollars. New.

*Matters Incidental to Construction.*

Failing to comply with directions as to construction of bridges.

**401.** Every railway company which fails or neglects to comply with any direction of the Governor in Council, given upon the report of the Board, requiring such company within such time as the Governor in Council directs, to construct fixed and permanent bridges, or swing, draw or movable bridges, or to substitute any of such bridges for bridges existing on the line of the company's railway, shall, for every day after the expiration of the period so fixed, during which the company fails or neglects to comply with such direction, forfeit and pay to His Majesty the sum of two hundred dollars. R. S., c. 37, s. 379.

Penalty.

Structures not in conformity with this Act.

**402.** (*a*) If any bridge, tunnel or other erection or structure over, through or under which any railway passes is not so constructed, or reconstructed or altered, within such time as the Board may order, and thereafter so maintained, as to afford at all times an open and clear headway of at least seven feet between the top of the highest freight car used on the railway, and the lowest beams, members or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder; or,

Spaces not in conformity.

(*b*) If, except by leave of the Board, the space between the rail level and such beams, members, or portions of any such structure, constructed after the first day of February, one thousand nine hundred and four, is in any case less than twenty-two feet six inches;

Penalty.

the company or owner so constructing shall incur a penalty not exceeding fifty dollars, for each day during which such company or owner wilfully refuses, neglects or omits to comply with the requirements of this Act, as to construction, reconstruction, alteration or maintenance, in this section mentioned: Provided that nothing in this section shall apply to any bridge, tunnel, erection or structure over, through or under which no trains except such as are, under the provisions of this Act, exempted by the Board from such requirements. R. S., c. 37, s. 382.

Proviso.

In violation of this Act.

**403.** Every company which shall erect, operate or maintain any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure, in violation of this Act, or of any order or regulation of the Board, shall for each offence incur a penalty of fifty dollars. R. S., c. 37, s. 396.

Penalty.

Improper use of highways.

**404.** Every railway company which, except as authorized by Special Act of the Parliament of Canada, or amendment thereof, passed previously to the twelfth day of March, one thousand nine hundred and three,—

(*a*) carries its railway or causes or permits the same to be carried upon, along or across an existing highway without having first obtained leave therefor from the Board; or,

(*b*) obstructs any such highway by its works before turning the highway so as to leave an open and good passage for carriages; or,

(*c*) on completion of the works fails or neglects to restore the highway to as good a condition, as nearly as possible, as it originally had;

Penalty.

shall incur a penalty of not less than forty dollars nor more than five thousand dollars for each such offence. R. S., c. 37, s. 380.

Failure to erect signboards at crossings.

**405.** Every railway company which fails or neglects to erect and maintain, at each crossing where a highway is crossed at rail level by the railway of the company, a signboard having the words *Railway Crossing* painted on each side thereof, in letters at least six inches in length, and, in the province of Quebec, in both the English and French languages, shall incur a penalty not exceeding forty dollars. R. S., c. 37, s. 381.

Penalty.

*Opening Railway for Traffic.*

Opening railway without leave of Board.

**406.** If any railway or portion thereof is opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, before leave therefor has been obtained from the Board as hereinbefore provided, the company or person to whom such railway belongs, shall forfeit to His Majesty the sum of two hundred dollars for each day on which the railway is or continues open without such leave. R. S., c. 37, s. 384.

Penalty.

*Safety and Care of Roadway, etc.*

Leaving gates open.

**407.** Every person who,—

(*a*) wilfully leaves 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 passing through it on to the railway; or,

(*b*) not being an officer or employee of the company acting in the discharge of his duty, takes down any part of a railway fence; or, Taking down fences.

(*c*) turns any horse, cattle or other animal upon or within the inclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person, using all reasonable care and precaution to avoid accidents; or, Turning animals into railway inclosure.

(*d*) except as authorized by this Act, without the consent of the company, rides, leads or drives any horse, or other animal, or wilfully suffers any such horse or animal to enter upon the railway, and within the fences and guards thereof; Allowing animals to go upon railway.

shall, on summary conviction, be liable to a penalty of twenty dollars for each such offence. Penalty.

2. Every such person shall also be liable to the company for any damage to the property of the company, or for which the company may be responsible, by reason of any such act or omission. Damages to the company.

3. Every person guilty of any offence under this section shall, in addition to the penalty and liability therein provided, be liable to pay to any person injured by reason of the commission of such offence all damages thereby sustained. R.S., c. 37, s. 407. Damages to person injured.

**408.** Every railway company which fails or neglects to cause the thistles and all noxious weeds growing on the right of way, and upon land of the company adjoining the railway, to be cut down, or to be rooted out and destroyed, each year, before such thistles or weeds have sufficiently matured to seed, or which fails or neglects to do anything which it is required by law to do for the purpose of cutting down, or rooting out and destroying such thistles and weeds before they have sufficiently matured to seed, shall incur a penalty of two dollars for every day during which such failure or neglect continues. Failure to have weeds removed from right of way. Penalty.

2. The mayor, reeve or chief officer of the municipality, township, county or district in which any portion of the right of way or land of the company lies, upon which the company has failed to cut down, or root out and destroy, such thistles and weeds as by law required, or to do anything which the company is by law required to do for the purpose aforesaid, or any justice of the peace in such municipality, township, county or district, may enter upon the portion of the right of way and lands aforesaid, and, by himself and his assistants or workmen, cut down, or root out and destroy, such thistles or weeds, and for that purpose cause to be done all things which the company is by law required to do. Municipal officers may remove.

3. Such mayor, reeve, chief officer or justice of the peace may recover the expenses and charges so incurred, and the Expenses.

said penalty, with costs, in any court of competent jurisdiction.

Payment. 4. Such penalty shall be paid to the proper officer of the municipality. R. S., c. 37, s. 417.

Walking on track. **409.** Every person, not connected with the railway or employed by the company, who walks along the track thereof, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding ten dollars. R. S., c. 37, s. 408.

Penalty.

Using highway crossings on foot. **410.** Any person who uses any highway crossing at rail level for the purpose of passing on foot along such highway across the railway, except during the time when such highway crossing is used for the passage of carriages, carts, horses or cattle along the said highway, is liable on summary conviction to a penalty not exceeding ten dollars, if,—

Penalty.

If there is a foot bridge. (*a*) the company has erected and completed, pursuant to order of the Board, over its railway, at or near or in lieu of such highway crossing, a foot bridge or foot bridges for the purpose of enabling persons passing on foot along such highway to cross the railway by means of such bridge or bridges; and,

Maintained. (*b*) such foot bridge is maintained or such foot bridges are maintained by the company in good and sufficient repair. R. S., c. 37, s. 409.

Non-compliance with order of Board. **411.** If any company refuses or neglects to comply with any order of the Board, made upon the report of the inspecting engineer, under the authority of this Act,—

Works. (*a*) directing any repairs, renewals, reconstruction, alteration or new work, material or equipment to be made, done or furnished by the company upon, in addition to, or in substitution for any portion of the railway; or,

Operation. (*b*) directing that, until such repairs, renewals, reconstruction, alteration and work, materials or equipment are made, done and furnished to the satisfaction of the Board, no portion of the railway in respect of which such order is made shall be used, or used otherwise than subject to certain restrictions, conditions and terms by such order imposed; or,

Rolling stock. (*c*) condemning and forbidding further use of any rolling stock therein specified;

Penalty. the company shall for each such refusal or neglect forfeit to His Majesty the sum of two thousand dollars.

Aiding or abetting. 2. Any person wilfully and knowingly aiding or abetting any such disobedience or non-compliance shall be liable therefor, upon conviction, to a penalty of not less than twenty dollars, and not more than two hundred dollars.

3. No prosecution for any penalty under this section shall be instituted without the authority of the Board first obtained. R. S., c. 37, s. 383. No prosecution without leave of Board.

**412.** If any railway company refuses or neglects to comply with any notice in writing of any inspecting engineer, given under the authority of this Act, and duly served upon the company, forbidding the running of any train over the railway of the company, or any portion thereof, or requiring that trains be run only at such times, under such conditions and with such precautions as specified in such notice, or forbidding the running or using of any rolling stock specified in the notice, such company shall forfeit to His Majesty the sum of two thousand dollars. R. S., s. 37, s. 385. Non-compliance with notice of engineer forbidding the running of trains. Penalty.

*Notification of Accidents.*

**413.** Every railway company which wilfully or negligently omits to give immediate notice as by this Act required, with full particulars, to the Board of the occurrence, upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken, or so damaged as to be impassable or unfit for immediate use, shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give such notice continues. R. S., c. 37, s. 412. Omitting to give notice of accident. Penalty.

*Operation and Equipment.*

**414.** Every person who wilfully or negligently violates any by-law, rule or regulation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed, to a penalty not exceeding twenty dollars: Provided that no such person shall be convicted of any such offence, unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was openly affixed to a conspicuous part of the station at which the offender entered the train, or at or near which the offence was committed. R. S., c. 37, s. 416. Violation of by-laws and rules. Printed copy must be posted.

**415.** Every railway company required by this Act,—

(*a*) to provide and cause to be used on its trains modern and efficient apparatus, appliances and means, or any apparatus, appliances and means in this Act specified, for the providing of communication between the conductor and the engine driver, or for the checking of the speed of any train or the bringing of the same expeditiously to a standstill, or for the secure coupling Failure of company to properly equip its trains.

and connecting of the cars and the engine composing the train; or,

Box freight cars.

(*b*) to equip its box freight cars, for the security of its employees, with outside ladders and hand-grips, or if the Board so requires with any other improved side attachment required by the Board; or,

Draw bars.

(*c*) to adopt and use upon its rolling stock draw bars of a height determined by the Board;

which fails to comply with any requirement of this Act in that behalf shall forfeit to his Majesty a sum not exceeding two hundred dollars for every day during which such default continues. R. S., c. 37, s. 386 (1).

Penalty.

Blackboard

**416.** (*a*) If any railway company upon whose railway there is a telegraph or telephone line in operation wilfully neglects, omits or refuses to have a blackboard put upon the outside of the station house over the platform of the station, in some conspicuous place, at each station of such company in which there is a telegraph or telephone office; or,

Notice of overdue trains.

(*b*) if, when any passenger train is overdue at any such station according to the time-table of such company, the station agent, or person in charge at such station, wilfully neglects, omits or refuses to write or cause to be written in white chalk on such blackboard a notice, in English and French in the province of Quebec, and in English in the other provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; or,

Further notice.

(*c*) if, when there is any further change in the expected time of arrival, such station agent, or person in charge of the station, wilfully neglects, omits or refuses to write or cause to be written on the blackboard, in like manner, a fresh notice stating to the best of his knowledge and belief the time when such overdue train may then be expected to reach such station;

Penalty.

such company shall be liable, upon summary conviction, to a penalty not exceeding five dollars for each such wilful neglect, omission or refusal.

Station master also liable.

2. Such station agent or person in charge at any such station shall likewise be liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to write or cause to be written upon such blackboard any of such notices as hereinbefore required. R. S., c. 37, s. 395. Am.

Freight car in rear of passenger car.

**417.** Every officer or employee of any railway company who directs or knowingly permits any freight, merchandise or lumber car to be placed in any passenger train, in the rear of any passenger car in which any passenger is carried, is guilty of an indictable offence. R. S., c. 37, s. 387.

Penalty.

**418.** A company shall be liable to a penalty not exceeding four hundred dollars, if when the railway passes over any navigable water or canal by means of a draw or swing bridge which is subject to be opened for navigation, any train of the company upon such railway is not brought to a full stop before coming on or crossing over such bridge, or if such train thereafter proceeds before a proper signal has been given for that purpose. Penalty for not stopping at swing bridges.

2. This section shall not apply in the case of any bridge over which, by order of the Board under the authority of this Act, engines and trains are permitted to pass without stopping. R.S., c. 37, s. 389. Board may permit.

**419.** Every employee of the company who fails to comply with the rules of the company made for carrying into effect the provisions of this Act with regard to the stopping of trains before crossing any such draw or swing bridge, or for preventing such trains from proceeding over any such bridge before a proper signal has been given for that purpose, shall be liable to a penalty not exceeding four hundred dollars, or to six months' imprisonment, or to both. R.S., c. 37, s. 390. Employee of company failing to comply. Penalty.

**420.** The company shall incur a penalty of eight dollars if, when any train of the company is approaching a highway crossing at rail level,— Penalty for failure.

(*a*) the engine whistle is not sounded at least eighty rods before reaching such crossing; and, To sound whistle.

(*b*) the bell is not rung continuously from the time of the sounding of the whistle until the engine has crossed the highway. And ring bell.

2. The company shall also be liable for all damage sustained by any person by reason of any failure or neglect to so sound the whistle or ring the bell. Damages.

3. Where a municipal by-law of a city or town prohibits such sounding of the whistle or such ringing of the bell in respect of any such crossing or crossings within the limits of such city or town, such by-law shall, to the extent of such prohibition, relieve the company from any penalty or liability under this section. R. S., c. 37, s. 391. Am. Exception.

**421.** Every employee of the company whose duty it is to sound the whistle or ring the bell at any such highway crossing, who neglects to perform such duty as required by this Act, shall for each offence incur a penalty of eight dollars. R.S., c. 37, s. 392. Employee neglecting to sound bell or whistle. Penalty.

**422.** The company shall incur a penalty of one hundred dollars if,— Penalty for—

Crossing level railway crossing without signal.

(*a*) any train or engine of the company passes over any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level, whether they are owned by different companies or by the same company, before a proper signal has been received by the conductor or engineer in charge of such train or engine, from a competent person or watchman in charge of such crossing, that the way is clear; or,

Train not stopping.

(*b*) any train of the company, before it passes over any such crossing, is not brought to a full stop, unless engines and trains are, by order of the Board under the authority of this Act, permitted to pass over such crossing without stopping; or,

Excessive speed in thickly peopled places where track not fenced.

(*c*) any train of the company passes in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission to pass at greater speed is given by some regulation or order of the Board; or,

Over highway crossings in thickly peopled places.

(*d*) any train of the company passes over any highway crossing at rail level in any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless such crossing is constructed and thereafter maintained and protected in accordance with the orders, regulations and directions specially issued by the Railway Committee of the Privy Council or of the Board in force with respect to such crossing, or unless permission is given by some regulation or order of the Board; or,

Over highway crossing where accident has happened.

(*e*) any train of the company passes over any highway crossing at rail level at a speed greater than ten miles an hour, if at such crossing, subsequent to the first day of January, one thousand nine hundred and five, a person or vehicle using such crossing, or an animal being ridden or driven over the same, has been struck by a moving train, and bodily injury or death thereby caused to such person or to any other person using such crossing, unless and until such crossing is protected to the satisfaction of the Board; or,

Over highway crossing not protected as ordered.

(*f*) any train of the company passes at a speed greater than ten miles an hour over any highway crossing at rail level in respect of which crossing an order of the Board has been made to provide protection for the safety and convenience of the public and which order has not been complied with; or,

Moving reversely without warning.

(*g*) whenever in any city, town or village, any train of the company not headed by an engine moving forward in the ordinary manner is allowed to pass over or along a

highway at rail level which is not adequately protected by gates or otherwise the company does not station on that part of the train, or of the tender if the tender is in front, which is then foremost, a person who shall warn persons standing on or crossing or about to cross the track of such railway.

Electric railway companies.

2. Every company operating an electric street railway shall incur a penalty of one hundred dollars if,—

Crossing at rail level without signal from watchman.

(*a*) any electric car of such company passes over any crossing, where its line of railway crosses any line of railway subject to the provisions of this Act, at rail level, before a proper signal has been received by the conductor in charge of such electric car, from a competent person or watchman in charge of such crossing, that the way is clear; or,

Or from conductor if no watchman.

(*b*) if there is no competent person or watchman in charge of such crossing, the conductor, before crossing the same, does not go forward and see that the track to be crossed is clear, before giving the signal to the motorman that the way is clear and to proceed; or,

Not stopping.

(*c*) any such electric car, before it passes over such crossing, is not brought to a full stop, unless electric cars are by order of the Board under the authority of this Act permitted to pass over such crossing without stopping. R.S., c. 37, s. 393. Am.

Obstructing highway.

**423.** Whenever at any highway crossing at rail level any engine, tender or car, or any part thereof, is wilfully allowed by the company, its officers, agents or employees to stand on any part of such highway for a longer period than five minutes at one time, or, in shunting, to obstruct public traffic for a longer period than five minutes at one time, every officer, agent or employee of the company, who has directly under or subject to his control, management or direction any such engine, tender or car, shall be liable on summary conviction to a penalty not exceeding fifty dollars, and the company shall also be liable to a like penalty: Provided that, if the offence is in the opinion of the court excusable, the prosecution for the penalty may be dismissed and the costs shall be in the discretion of the court. R. S., c. 37, s. 394.

Penalty.

When observing rules of company causes obstruction.

2. No employee shall be liable to such penalty if he proves that the carrying out or observing of the rules of the company was the cause of such obstruction, and in such case the company and its superintendent or other officer in charge of the operation of the railway, or of the division thereof upon which such obstruction occurs, shall each be guilty of the offence mentioned in this section and liable to a penalty not exceeding two hundred dollars. New.

*Intoxication of Employees.*

Intoxication of railway employees.

**424.** Every conductor, locomotive engineer, train dispatcher, telegraph operator, station agent, switchman, signal man, bridge tender or any other person who is intoxicated, or under the influence of liquor, while on duty, in charge of or in any employment having to do with the movement of trains upon any railway, is guilty of an offence,

Penalty.

and shall be punished by fine, not exceeding four hundred dollars, or imprisonment, not exceeding five years, or both, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave as causing injury to any person or property, or as exposing or likely to expose any person or property to injury, although no actual injury occurs. R. S., c. 37, s. 413.

Selling liquor to railway employees on duty.

Penalty.

**425.** Every person who sells, gives or barters any spirituous or intoxicating liquor to or with any servant or employee of any company, while on duty, is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment, with or without hard labour, for a period not exceeding one month, or to both. R.S., c. 37, s. 414.

*Traffic, Tolls, and Tariffs.*

Contraventions in respect of tolls.

**426.** If any company or any director or officer thereof, or any receiver, trustee, lessee, agent or person, acting for or employed by such company, either alone or with any other company or person, shall,—

(*a*) wilfully do or cause to be done, or willingly suffer to be done, any act, matter or thing, contrary to any order, direction, decision or regulation of the Board made or given under this Act, in respect of tolls; or,

(*b*) wilfully omit or fail to do any act, matter, or thing thereby required to be done; or,

(*c*) cause or willingly suffer or permit any act, matter or thing, so directed or required to be done, not to be so done; or,

(*d*) contravene any such order, direction, decision or regulation, or any of the provisions of this Act, in respect of tolls;

Penalty.

such company, director, officer, receiver, trustee, lessee, agent or person shall for each such offence be liable to a penalty of not more than one thousand dollars, and not less than one hundred dollars.

Prosecution by leave.

2. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R. S., c. 37, s. 398.

**427.** Any company or any officer or agent thereof, or any person acting for or employed by such company, who, by means of false billing, false classification, false report of weight, or by any other device or means, knowingly, wilfully or willingly suffers or permits any person or persons to obtain transportation for goods at less than the required tolls then authorized and in force on the railway of the company, shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars. False billing, etc., by company. Penalty.

2. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R.S., c. 37, s. 399. Prosecution by leave.

**428.** Any person, or any officer or agent of any incorporated company, who shall deliver goods for transportation to such company, or for whom as consignor or consignee the company shall transport goods, who knowingly or wilfully, by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the company, its agent or agents, obtains transportation for such goods at less than the regular tolls then authorized and in force on the railway shall, for each offence, be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars. False billing etc., by any person. Penalty.

2. The Board may make regulations providing that any such persons or company shall, in addition to the regular toll, be liable to pay to the company a further toll not exceeding fifty per centum of the regular charge. Further toll.

3. The company may, and when ordered by the Board shall, open and examine any package, box, case or shipment, for the purpose of ascertaining whether this section has been violated. Opening of packages

4. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R. S., c. 37, s. 400. Prosecution by leave.

**429.** Any person or company, or any officer or agent of any company,— Unjust discrimination.

(*a*) who shall offer, grant, or give, or shall solicit, accept or receive any rebate, concession, or discrimination in respect of the transportation of any traffic by the company, whereby any such traffic shall, by any device whatsoever, be transported at a less rate than that named in the tariffs then in force; or,

(*b*) for whom the company or any of its officers or agents, shall by any such means be induced to transport traffic, and thereby to discriminate unjustly in favour of any

such person, company, officer or agent as against any other person or company; or,

(*c*) who shall aid or abet the company in any unjust discrimination;

Penalty. shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

Prosecution by leave. 2. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R.S., c. 37, s. 401.

Departure from tolls in tariff. **430.** If the company files with the Board any tariff, and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, any departure from the tolls in such tariff, while

Penalty. so in force, shall, as against such company, its officers, agents or employees, be an offence under this Act.

Prosecution by leave. 2. No prosecution shall be had or instituted in respect of any such offence without the leave of the Board first being obtained. R.S., c. 37, s. 402.

Neglect to file joint tariff. **431.** All goods carried or being carried over any continuous route, from a point in Canada through a foreign country into Canada, operated by two or more companies whether Canadian or foreign, shall, unless such companies have filed with the Board a joint tariff for such continuous

Goods subject to Customs duties. route, be subject upon admission into Canada, to Customs duties, as if such goods were of foreign production and coming into Canada for the first time.

30 per cent. 2. Such goods shall be subject to a Customs duty of thirty per centum of the value thereof, if they would not be subject to any Customs duty in case they were of foreign production, and coming into Canada for the first time.

Payable by company. 3. If any such duty is paid by the consignor or consignee of such goods, the same shall be repaid on demand to the person so paying, by the company or companies owning or operating so much of such continuous line or route as lies within Canada. R.S., c. 37, s. 397.

**432.** Every person who,—

Sending of explosives. (*a*) sends by any railway any gunpowder, dynamite, nitroglycerine, or any other goods which are of a dangerous or explosive nature, without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice thereof in writing to the station agent or employee of the company whose duty it is to receive such goods, and to whom the same are delivered; or,

Taking them on train. (*b*) carries or takes upon any train any such goods for the purpose of carriage;

shall be liable on conviction to a penalty not exceeding two thousand dollars or imprisonment for any period not exceeding two years, or both. R.S., c. 37, s. 410. Am. Penalty.

**433.** Every company which carries any goods of an explosive or dangerous nature except in conformity with the regulations, or an order, made by the Board in that behalf, shall for each such offence incur a penalty of five hundred dollars. R. S., c. 37, s. 411. Am. Carrying dangerous goods.

**434.** If any railway company improperly refuses upon demand to affix a check to any parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport, or to deliver a duplicate of such check to such passenger, the company shall be liable to such passenger for the sum of eight dollars recoverable in a civil action. R.S., c. 37, s. 388. Refusing to check baggage. Penalty.

**435.** Every person who,— Opening package with intent to steal contents.

(*a*) bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains, wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, wagon, boat, vessel, warehouse, station house, wharf, quay or premises of or belonging to any company, with intent to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof; or,

(*b*) unlawfully drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof; Drinking or wasting liquor.

is liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for a term not exceeding one month, or to both. R.S., c. 37, s. 426. Penalty.

*Express Business.*

**436.** Every company which carries or transports, and every officer or employee thereof who directs or knowingly permits to be carried or transported, any goods by express,— Carrying by express without filing tariff, etc.

(*a*) unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner required by this Act; or,

(*b*) in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or,

(*c*) in any case where such express toll in any tariff has been disallowed by the Board;

Penalty.

shall be liable to a penalty not exceeding one hundred dollars for each such offence. R.S., c. 37, s. 403.

*Statistics and Returns.*

Failure to furnish returns to Minister.

**437.** Every railway, telegraph, telephone or express company and every carrier by water that fails or neglects to prepare and furnish to the Minister within the time and in the manner and form, and with such particulars and verification as by or under this Act are required or intended,—

Capital, traffic and working expenditure.

(*a*) any return of its capital, traffic and working expenditure, or of any other information required as indicated in the forms for the time being required and furnished by the Minister; or,

Weekly traffic.

(*b*) any weekly return of its traffic in accordance with the forms for the time being required and furnished by the Minister, if such weekly return is required by the Minister; or,

Other information.

(*c*) any other information which may be from time to time required by the Minister under this Act;

Penalty.

shall incur a penalty not exceeding ten dollars for every day during which such default continues.

Signing false return

2. Every person who knowing the same to be false in any particular signs any such return is guilty of an offence punishable on summary conviction. R.S., c. 37, s. 419. Am.

Returns to Minister.

**438.** Any railway, telegraph, telephone or express company and any carrier by water that fails or neglects to deliver to the Minister within the time provided in this Act or when required by the Minister, and in the form ordered and directed by the Minister, or specified in this Act,—

Accidents.

(*a*) a true and particular return of all accidents and casualties, whether to persons, or to animals or other property, which have occurred on the property of the company or carrier, or in connection with the operation of the undertaking of the company or carrier, setting forth the particulars and verified in manner as by this Act required; or,

By-laws, rules and regulations.

(*b*) if required by the Minister, a true copy of the existing by-laws of the company or carrier and of its rules and regulations for the management of the company or carrier and of its railway or such other undertaking or business as it is authorized to carry on, within fourteen days after having been so required by the Minister; or,

(*c*) in the case of a railway company, any other or additional returns of serious accidents occurring in the course of the public traffic on the railway, if thereunto required with a view to public safety by the Minister, within fourteen days after the same have been so required; Additional returns of serious accidents.

shall forfeit to His Majesty the sum of one hundred dollars for every day during which the company so neglects to deliver such return. R.S., c. 37, s. 420. Am. Penalty.

**439.** If the Board at any time, by notice served upon any railway, telegraph, telephone or express company or any officer, servant or agent of such company, requires such company or such officer, servant or agent to furnish to the Board, at or within any time stated in such notice, a written statement or statements showing in so far and with such detail and particulars as the Board requires,— Refusal to make returns required by Board.

(*a*) the assets and liabilities of such company; Assets and liabilities.

(*b*) the amount of such company's stock issued and outstanding and the date at which any such stock was so issued; Stock.

(*c*) the amount and nature of the consideration received by such company for such issue, and in case the whole of such consideration was not paid to such company in cash, the nature of the service rendered to or property received by such company for which any stock was issued; Consideration therefor.

(*d*) the gross earnings or receipts or expenditure by such company during any period specified by the Board, and the purposes for which such expenditure was made; Receipts and expenditures.

(*e*) the amount and nature of any bonus, gift or subsidy received by such company from any source whatsoever and the source from which and the time when, and the circumstances under which, the same was so received or given; Bonus and subsidies.

(*f*) the bonds issued at any time by such company and what portion of the same is outstanding, and what portion, if any, has been redeemed; Bonds.

(*g*) the amount and nature of the consideration received by such company for the issue of such bonds; Consideration therefor.

(*h*) the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of such company, or any part thereof, and the consideration received by such company for such liabilities, and the circumstances under which the same were created; Liabilities.

(*i*) the cost of construction of such company's railway or other works or of any part thereof; Cost of construction.

Cost of property.

(*j*) the amount and nature of the consideration paid or given by such company for any property acquired by it;

Leases and contracts.

(*k*) the particulars of any lease, contract or arrangement entered into between such company and any other company or person; and,

Generally.

(*l*) generally, the extent, nature, value and particulars of the property, earnings and business of such company; or,

Any matter.

(*m*) any of the matters in this section mentioned;

If wilful or negligent.

and if such company, officer, servant or agent wilfully or negligently refuses to make such return when and as thereunto required by the Board, or fails to make any such return to the utmost of its or his knowledge, or means of knowledge, such company and every such officer, servant or agent, so in default, shall severally be liable on conviction to a penalty not exceeding one thousand dollars.

Penalty.

Imprisonment for officer or servant.

2. Each such officer, servant or agent so convicted shall, in addition to such penalty, be liable to imprisonment, in the common gaol of the county in which such conviction is made, for any period not exceeding twelve months. R.S., c. 37, s. 421.

Making false returns.

**440.** If any company or any officer, servant or agent of such company wilfully or negligently makes any such return to the Board falsely, or makes any false statement in any such return, such company and every such officer, servant or agent shall be severally liable on conviction to a penalty not exceeding one thousand dollars.

Penalty.

Imprisonment.

2. Such officer, servant or agent shall also, on such conviction, be liable to imprisonment, for any period not exceeding twelve months, in the common gaol of the county where such conviction is had. R.S., c. 37, s. 422.

Publishing information without leave.

**441.** If any officer or servant of the Board, or any person having access to or knowledge of any return made to the Board, or of any evidence taken by the Board in connection therewith, shall, without the authority of the Board first obtained, publish or make known any information, having obtained the same, or knowing the same to have been derived from such return or evidence, he shall be liable, on conviction

Penalty.

to a penalty not exceeding five hundred dollars for each offence, and to imprisonment not exceeding six months, in the common gaol of the county where such conviction is had. R.S., c. 37, s. 423.

*Railway Constables Failing in Duty.*

Failure of constable in duty.

**442.** Every constable appointed under the authority of this Act who is guilty of any neglect or breach of duty in his

office of constable shall be liable, on summary conviction, to a penalty not exceeding eighty dollars, or to imprisonment with or without hard labour for a term not exceeding two months. Penalty.

2. Such penalty may, if the constable is in receipt of a salary from the company, be deducted from any such salary due to such offending constable. Deduction from salary of constable.

3. Any offence under this section may be prosecuted and adjudged within any county, city, district, or other local jurisdiction wherein the railway passes. R.S., c. 37, s. 418. Venue.

*Various Offences.*

**443.** Every person who,—

(*a*) wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company; or, Destroying or injuring structures.

(*b*) removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of or extract from this Act or any other Act of Parliament, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway; or, Removing or defacing notices.

(*c*) enters upon any railway train, without the knowledge or consent of an officer or servant of the company, with intent fraudulently to be carried upon the said railway without paying fare thereon; or, Fraudulently entering train.

(*d*) wilfully obstructs or impedes any officer or agent of any company in the execution of his duty upon any train, or railway, or upon any of the premises of the company; or, Obstructing officer of company.

(*e*) not being an employee of the company, wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes; Trespass on property of company.

shall be liable on summary conviction to a penalty not exceeding fifty dollars, or in default of payment to imprisonment with or without hard labour for a term not exceeding two months. R. S., c. 37, s. 425. Am. Penalty.

*Penalties not otherwise provided.*

**444.** Any company, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employee by such company, or any contractor or other person having to do with the railway or other works of the company, that does, causes or permits to be done, any Company or officer doing or omitting to do anything against this Act.

matter, act or thing contrary to the provisons of this or the Special Act, or to the orders or directions of the Governor in Council, or of the Minister, or of the Board, made under this Act, or omits to do any matter, act or thing, thereby required to be done on the part of any such company or person, shall, if no other penalty is provided in this or the Special Act for any such act or omission, be liable for each such offence to a penalty of not less than twenty dollars, and not more than five thousand dollars, in the discretion of the court before which the same is recoverable. R.S., c. 37, s. 427 (1). Am.

Penalty.

*Continuing Offences.*

**445.** When the violation of or failure to comply with any provision of this Act, or with any regulation, order or direction of the Governor in Council, the Minister, the Board or any inspecting engineer, is made, by this Act or any regulation thereunder, an offence subject to penalty, each day's continuance of such violation, or failure, to comply, shall constitute a new and distinct offence. R.S., c. 37, s. 428.

Each day's violation of this Act a distinct offence.

*Company Liable for Acts of its Officers and Agents.*

**446.** For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any regulation, order, or direction of the Governor in Council, the Minister, the Board, or any inspecting engineer, made under this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by the company, shall, if within the scope of his employment, in every case be also deemed to be the act, omission or failure of such company.

Company liable for act or omission of officer, etc.

2. Anything done or omitted to be done by the company which if done or omitted to be done by any director, or officer thereof, or any receiver, trustee, lessee, agent or person acting for or employed by the company, would constitute an offence under this Act, shall also be held to be an offence committed by such company, and, upon conviction of any such offence, the company shall be subject to the like penalties as are prescribed by this Act with reference to such persons. R.S., c. 37, s. 429.

Company liable to same penalty as individual offender.

*Penalties Constitute a Charge.*

**447.** If any company has been convicted of any penalty under this Act, such penalty shall be the first lien or charge upon the railway, property, assets, rents and revenues of the company. R.S., c. 37, s. 430.

Penalties a first charge on railway.

*Procedure.*

**448.** If any penalty, prescribed for any offence under this Act, or under any order, rule or regulation of the Board, is one hundred dollars or less, with or without imprisonment, the penalty may, subject to the provisions of this Act, be imposed and recovered on summary conviction before a justice of the peace. If penalty $100 or less.

2. If the penalty prescribed is more than one hundred dollars and less than five hundred dollars, the penalty may, subject as aforesaid, be imposed and recovered on summary conviction before two or more justices, or before a police magistrate, a stipendiary magistrate, or any person with the power or authority of two or more justices of the peace. If more than $100 and less than $500.

3. Whenever the Board shall have reasonable ground for belief that any company, or any person or corporation is violating or has violated any of the provisions of this Act, or any order, rule or regulation of the Board, in respect of which violation a penalty may be imposed under this Act, the Board may request the Attorney General of Canada to institute and prosecute proceedings, on behalf of His Majesty, against such company or person for the imposition and recovery of the penalty provided under this Act for such violation, or the Board may cause an information to be filed in the name of the Attorney General of Canada for the imposition and recovery of such penalty. Board may require Attorney General to proceed.

4. No prosecution shall be had against the company for any penalty under this Act, in which the company might be held liable for a penalty exceeding one hundred dollars, without the leave of the Board being first obtained. R. S., c. 37, s. 431. Am. Leave required when penalty exceeds $100.

RAILWAY CONSTABLES.

*Appointment.*

**449.** A superior or county court judge, two justices of the peace, or a stipendiary or police magistrate, in any part of Canada, a clerk of the peace, clerk of the Crown or judge of the sessions of the peace in the province of Quebec, or a commissioner of a parish court in the province of New Brunswick, within whose jurisdiction the railway runs, may, on the application of the company or any clerk or agent of the company, appoint any persons who are British subjects recommended for that purpose by such company, clerk, or agent, to act as constables on and along such railway. Who may make appointments. Qualifications.

2. Every person so appointed shall take an oath or make a solemn declaration, which may be administered by any Oath to be taken.

judge or other official authorized to make the appointment or to admin ster oaths, in the form or to the effect following, that is to say:—

Form of oath.

'I, A.B., having been appointed a constable to act upon and along (*here name the railway*), under the provisions of *The Railway Act*, do swear that I will well and truly serve our Sovereign Lord the King in the said office of constable, without favour or affection, malice or ill-will; that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace; and that, while I continue to ho!d the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully according to law. So help me God.'

Appointment in writing.

3. Such appointment shall be made in writing signed by the official making the appointment, and the fact that the person appointed thereby has taken such oath or declaration shall be endorsed on such written appointment by the person administering such oath or declaration. R.S., c. 37, s. 300. Am.

*Territorial Limits and Powers.*

Territorial limits of constable.

**450.** Every constable so appointed, who has taken such oath or made such declaration, may act as a constable for the preservation of the peace, and for the security of persons and property against unlawful acts,—

(*a*) on such railway, and on any of the works belonging thereto;

(*b*) on and about any trains, roads, wharfs, quays, landing places, warehouses, lands and premises belonging to such company, whether the same are in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such company; and,

(*c*) in all places not more than a quarter of a mile distant from such railway.

Powers of constable.

2. Every such constable shall have all such powers, protection and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of offences, and for keeping the peace, as any constable duly appointed has within his constablewick. R.S., c. 37, s. 301.

Justices.

**451.** Any such constable may take such persons as are charged with any offence against the provisions of this Act, or any of the Acts or by-laws affecting the railway, punishable by summary conviction, before any justice or justices

appointed for any county, city, town, parish, district or other local jurisdiction within which such railway passes.

2. Every such justice may deal with all such cases, as though the offence has been committed and the persons taken within the limits of his jurisdiction. R.S., c. 37, s. 302.

*Dismissal.*

Dismissal of constables by judge or magistrate.

**452.** A superior or county court judge or a stipendiary or police magistrate, in any part of Canada, or a judge of the sessions of the peace in the province of Quebec, may dismiss any such constable who is acting within his jurisdiction.

By company or agent.

2. The company, or any clerk or agent of the company, may also dismiss any such constable who is acting on such railway.

Powers to cease on dismissal.

3. Upon every such dismissal, all powers, protection and privileges, which belonged to any such person by reason of such appointment, shall wholly cease.

Reappointment.

4. No person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by whom he was dismissed. R.S., c. 37, s. 303. Am.

*Records and Evidence Respecting Appointment and Dismissal.*

Company to record appointments and dismissals with clerk of peace.

**453.** The company shall within one week after the date of the appointment or dismissal, as the case may be, of any such constable appointed at the instance of the company, cause to be recorded in the office of the clerk of the peace for every county, parish, district, or other local jurisdiction in which any such constable is so appointed,—

(*a*) such appointment or a certified copy thereof;

(*b*) the name and designation of any such constable;

(*c*) the date of his appointment;

(*d*) the name of the authority making such appointment;

and, in the case of dismissal,

(*e*) the fact of the dismissal of any such constable;

(*f*) the date of any such dismissal; and,

(*g*) the name of the authority making such dismissal. R.S., c. 37, s. 304.

Book to be kept by clerk of peace.

**454.** Such clerk of the peace shall keep a record of all such facts in a book which shall be open to public inspection, and shall be entitled to a fee of fifty cents for each entry of appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. R.S., c. 37, s. 305.

Records as to railway constables to be evidence.

**455.** The records relating to appointments and dismissals of railway constables, required by this Act to be kept by the respective clerks of the peace for the counties, parishes, districts or other local jurisdictions in which such constables are appointed, shall, without further proof than the mere production of such records, be *prima facie* evidence of the due appointments of such constables, of their jurisdiction to act as such, and of the other facts by this Act required to be so recorded. R.S., c. 37, s. 75.

## Miscellaneous.

### *Sunday Observance.*

Railway to be subject to provincial legislation in force in 1904.

**456.** Notwithstanding anything in this Act, or in any other Act, every railway, situate wholly within one province of Canada and declared by the Parliament of Canada to be either wholly or in part a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality owning, controlling or operating the same wholly or partly, in respect of such ownership, control or operation, shall be subject to any Act of the legislature of the province in which any such railway is situate which was in force on the tenth day of August, one thousand nine hundred and four, in so far as such Act prohibits or regulates work, business or labour upon the first day of the week, commonly called Sunday.

Such legislation confirmed.

2. Every such Act, in so far as it purports to prohibit, within the legislative authority of the province, work, business or labour upon the said first day of the week, is hereby ratified and confirmed and made as valid and effectual, for the purposes of this section, as if it had been duly enacted by the Parliament of Canada.

Subsequent legislation may be adopted by proclamation.

3. The Governor in Council may, by proclamation, confirm, for the purposes of this section, any Act of the legislature of any province passed after the tenth day of August, one thousand nine hundred and four, in so far as such Act purports to prohibit or regulate, within the legislative authority of the province, work, business or labour upon the said first day of the week; and such Act shall, to the extent aforesaid, be by force of such proclamation, ratified and confirmed and made as valid and effectual, for the purposes of this section, as if it had been enacted by the Parliament of Canada.

Effect of proclamation.

4. Notwithstanding anything in this Act, or in any other Act, every railway, wholly situate within the province, and which has been declared by the Parliament of Canada

to be in whole or in part a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality, owning, controlling, or operating the same wholly or partly, in respect of such ownership, control or operation, shall, from and after such proclamation, be subject to such Act in so far as it has been so confirmed.

Exceptions.

5. Nothing in this section shall apply to any railway or part of a railway,—

(*a*) which forms part of a continuous route or system operated between two or more provinces, or between any province and a foreign country, so as to interfere with or affect through traffic thereon; or,

(*b*) between any of the ports on the Great Lakes and such continuous route or system, so as to interfere with or affect through traffic thereon; or,

(*c*) which the Governor in Council by proclamation declares to be exempt from the provisions of this section. R.S., c. 37, s. 9.

*Ascertaining Grand Trunk Pacific Railway Earnings.*

Ascertainment of true net earnings of G.T.P.R.

**457.** In order to the ascertainment of the true net earnings of,—

(*a*) the Eastern Division of the Grand Trunk Pacific railway, for the purposes of the scheduled agreements referred to in the Act passed in the fourth year of His Majesty's reign, chapter twenty-four, intitu'ed *An Act to amend The National Transcontinenta' Railway Act;* and,

(*b*) the Grand Trunk Pacific Railway Company, upon its system of railways, at all times while the principal or interest of any bonds made by the said Company and guaranteed by the Government are unpa'd by the said Company;

Inquiry by Board.

the Board shall, upon the request of the Minister, inquire into, hear and determine any question as to the justness and reasonableness of the apportionment of any through rate or rates between the Grand Trunk Pacific Railway Company and any other transportation company, whether such company is or is not a railway company, or, if a railway company, whether it is or not as such subject to the legislative jurisdiction of the Parliament of Canada.

Government interests.

2. In any such determination the Board shall have due regard to the interests of the Government of Canada as owner of the said Eastern Division, and of the Intercolonial Railway, or as guarantor of any such principal or interest,

and to the provisions of the National Transcontinental Railway Act, and of the said Act in amendment thereof, and of the said scheduled agreements.

Net earnings.

3. Although, in any such case, the Grand Trunk Pacific Railway Company has agreed to any apportionment, the net earnings shall be ascertained upon the basis of the receipt by the Grand Trunk Pacific Railway Company of such share of such through rate or rates as, in the opinion of the Board, the said Company should have received under a just and reasonable apportionment; and such agreement shall be material evidence only and not conclusive.

Apportionment.

Appeal.

4. Either party to any such question may appeal from any such determination to the Supreme Court of Canada. R.S., c. 37, s. 27.

*Regulations and Orders of the Railway Committee of the Privy Council.*

Regulations and orders continued.

**458.** All regulations and orders made by the Railway Committee of the Privy Council, under the provisions of the Railway Act, 1888, in force on the first day of February, one thousand nine hundred and four, shall continue in force until repealed, rescinded, changed or varied under the provisions of this Act.

Board may repeal.

2. The Board shall have the like powers to repeal, rescind, change or vary such regulations and orders, as in the case of regulations or of orders which the Board may make under this Act. R.S., c. 37, s. 32.

Existing orders of Railway Committee

**459.** Notwithstanding the repeal of the Railway Act, 1888, the orders of the Railway Committee of the Privy Council in force on the first day of February, one thousand nine hundred and four, may be made rules or orders of the Exchequer Court, or of any superior court of any province in Canada, and may be enforced in all respects, as nearly as may be, in the same manner as provided by this Act, in the case of similar orders by the Board.

Penalties for disobeying.

2. All penalties, forfeitures and liabilities attaching, under this Act, to the violation of any regulation or disobedience to any order of the Board, shall apply and attach to any violation of or disobedience to any regulation or order of the Railway Committee of the Privy Council occurring after the first day of February, one thousand nine hundred and four, in all respects, as nearly as may be, as if such regulation or order of the Railway Committee of the Privy Council were a regulation or order of the Board. R.S., c. 37, s. 33.

**460.** The Governor in Council shall continue to have authority and jurisdiction to sanction, confirm, rescind or vary, or to take any other action upon any report, order or decision of the Railway Committee of the Privy Council made before the first day of February, one thousand nine hundred and four, under the Railway Act, 1888, in as full and ample a manner as if the said Act had not been repealed and as if this Act had not been passed. Powers of Governor in Council continued.

2. Any order or decision so sanctioned or confirmed shall have the same validity, force and effect as if the said order or decision had been so sanctioned or confirmed prior to the first day of February, one thousand nine hundred and four. R.S., c. 37, s. 34. Orders and decisions confirmed.

REPEAL.

**461.** The following Acts of the Parliament of Canada are hereby repealed:— Repeal.

| | |
|---|---|
| Chapter 37 of the Revised Statutes, 1906; | R. S. c. 37. |
| Chapters 37 and 38 of 6-7 Edward VII., except sections 3, 5 and 6 of said Chapter 38; | 1907, c. 37, and c. 38 in part. |
| Chapters 60, 61 and 62 and Section 15 of Chapter 18 of 7-8 Edward VII.; | 1908, c. 18 in part, cc. 60, 61, 62. |
| Chapters 31 and 32 of 8-9 Edward VII.; | 1909, cc. 31, 32. |
| Chapters 50 and 57 of 9-10 Edward VII.; | 1910, cc. 50, 57; 1911, c. 22. |
| Chapter 22 of 1-2 George V; and | |
| Chapter 44 of 3-4 George V; | |

Provided that the effect of any provision respecting pending litigation contained in any such repealed Act shall not be impaired by such repeal. New.

# TABLE OF CORRESPONDING SECTIONS.

## Showing how Acts consolidated are disposed of.

| The Railway Act, R.S., 1906, chap. 37. | Corresponding Sec. of new Act, or other Disposition. |
|---|---|
| 1 | 1 |
| 2 | 2 |
| 3 | 3 |
| 4 | 4 |
| 5 | 5 |
| 6 | 7 |
| 7 (1) | 358 |
| (2) | 359 |
| 8 | 8 |
| 9 | 456 |
| 10 (1) | Repealed. See 7-8 E. VII, c. 62, s. 1. (1908). |
| (2) | 9 (2). |
| (3) | (3) |
| (4) | (4) |
| (5) | Repealed. See 7-8 E. VII, c. 62, s. 2. (1908). |
| (6) | 11 (1) |
| 11 | 32 |
| 12 | Repealed. See 7-8 E. VII, c. 62, s. 3. (1908). |
| 13 | Repealed. See 7-8 E. VII, c. 62, s. 4. (1908). |
| 14 | 13 |
| 15 | Repealed. See 7-8 E. VII, c. 62, s. 5. (1908). |
| 16 | 15 |
| 17 | 16 |
| 18 | 17 (1) |
| 19 | 18 |
| 20 | 19 |
| 21 | 21 |
| 22 | 22 |
| 23 | 23 |
| 24 | 24 |
| 25 | 25 |
| 26 | 33 |
| 27 | 457 |
| 28 (1) | 36 |
| (2) | 37 |
| 29 | Repealed. See 7-8 E. VII, c. 62, s. 8. (1908). |
| 30 (1) | 34, 289 |
| (a) | 289 (a) |
| (b) | (b) |
| (c) | (c) |
| (d) | (d) |
| (e) | (e) |
| (f) | (f) 283 |
| (g) | (g) |
| (h) | 34 (a) |
| (i) | (b) |
| (2) | 34 (2) |
| (3) | (3) |
| (4) | (4) |
| 31 | 50 |
| 32 | 458 |
| 33 | 459 |
| 34 | 460 |
| 35 (1) | Repealed. See 7-8 E. VII, c. 62, s. 9. (1908). |
| (2) | 26 (2) |
| (3) | (3) |
| 36 | 27 |
| 37 | 28 |
| 38 | 29 |
| 39 | 30 |
| 40 | 54 |
| 41 | 55 |
| 42 | 56 |
| 43 | 57 |
| 44 | 58 |
| 45 | 59 |
| 46 | 49 |
| 47 | 45 |
| 48 | 46 |
| 49 | 47 |
| 50 | 41 |
| 51 | 53 |
| 52 | 60 |
| 53 | 48 |
| 54 | 44 |
| 55 | 43 |
| 56 (1) | 52 (1) |
| (2) | (2) |
| (3) | Repealed. See 9-10 E. VII, c. 50, s. 1. (1910). |
| (4) | 52 (5) |
| (5) | (6) |
| (6) | (7) |
| (7) | (8) |
| (8) | (9) |
| (9) | (10) |
| 57 | 38 |
| 58 | 61 |
| 59 | 39 |
| 60 | 69 |
| 61 | 70 |
| 62 | Repealed. See 7-8 E. VII, c. 62, s. 11 (1908), & 8-9 E. VII, c. 33, s. 12. (1909). |
| 63 | 62 |
| 64 | 63 |
| 65 | 64 |
| 66 | 65 |
| 67 | 66 |
| 68 | 67 |
| 69 | 68 |
| 70 | 119 |
| 71 | 83 |
| 72 | 91 |
| 73 | 139 |
| 74 | 177 (5) |
| 75 | 455 |
| 76 | 116 (3), 298. |
| 77 | 319 |
| 78 | 343 |

## Table of Corresponding Sections—*Continued.*

| The Railway Act, R.S., 1906, Chap. 37. | Corresponding Sec. of New Act, or Other Disposition. |
|---|---|
| 79 | 72 |
| 80 | 73 |
| 81 | 74 |
| 82 | 75 |
| 83 | 76 |
| 84 | 77 |
| 85 | 78 |
| 86 | 79 |
| 87 | 80 |
| 88 | 81 |
| 89 | 82 |
| 90 | 84 |
| 91 | 85 |
| 92 | 86 |
| 93 | 87 |
| 94 | 88 |
| 95 | 89 |
| 96 | 90 |
| 97 | 92 |
| 98 | 93 |
| 99 | 94 |
| 100 | 95 |
| 101 | 96 |
| 102 | 97 |
| 103 | 98 |
| 104 | 99 |
| 105 | 100 |
| 106 | 101 |
| 107 | 102 |
| 108 | 103 |
| 109 | 104 |
| 110 | 105 |
| 111 | 106 |
| 112 | 107 |
| 113 | 108 |
| 114 | 109 |
| 115 | 110 |
| 116 | 111 |
| 117 | 112 |
| 118 | 113 |
| 119 | 114 |
| 120 | 115 |
| 121 | 116 |
| 122 | 117 |
| 123 | 118 |
| 124 | 120 |
| 125 | 121 |
| 126 | 122 |
| 127 | 123 |
| 128 | 124 |
| 129 | 125 |
| 130 | 126 |
| 131 | 127 |
| 132 | 128 |
| 133 | 129 |
| 134 | 130 |
| 135 | 131 |
| 136 (1) | 132 |
| (2) | (2) |
| (3) | (3) |
| (4) | Omitted. |
| (5) | 132 (4) |
| (6) | (5) |
| 137 | 134 |
| 138 | 135 |
| 139 | 136 |
| 140 (1) | 137 |
| (2) | 138 |
| 141 | 140 |
| 142 | 140 (2) |
| 143 | 141 |
| 144 | 142 |
| 145 | 143 |
| 146 | 144 |
| 147 | 145 |
| 148 | 145 (5) |
| 149 | 148 |
| 150 | 162 |
| 151 | 163 |
| 152 | 149 |
| 153 | 150 |
| 154 | 164 |
| 155 | 165 |
| 156 | 166 |
| 157 | 168 |
| 158 | 169 |
| 159 | 171 |
| 160 | 173 |
| 161 | 174 |
| 162 | 175 |
| 163 | 177 |
| 164 | 176 |
| 165 | 170 |
| 166 | 178 |
| 167 | 179 |
| 168 (1) | 167 |
| (2) | See c. 44, s. 2 (1913). |
| 169 | 195 |
| 170 | 196 |
| 171 | 197 |
| 172 | 190 |
| 173 | 191 |
| 174 | 192 |
| 175 | 193 |
| 176 | 194 |
| 177 | 200 |
| 178 | 201 |
| 179 | 202 |
| 180 | 203 |
| 181 | 205 |
| 182 | 204 |
| 183 | 206 |
| 184 | 207 |
| 185 | 208 |
| 186 | 209 |
| 187 | 210 |
| 188 | 211 |
| 189 | 212 |
| 190 | 213 |
| 191 (1) | 214 (1) |
| (2) | 215 |
| 192 (1) | 214 (3) |
| (2) | 222 (2) |
| 193 | 216 |
| 194 | 217 |
| 195 | 218 |
| 196 | 220 |
| 197 | 221 |
| 198 | 222 |
| 199 | 224 |
| 200 | 225 |
| 201 | 226 |

## Table of Corresponding Sections—*Continued.*

| The Railway Act, R.S., 1906, Chap. 37. | Corresponding Sec. of New Act, or Other Disposition. |
|---|---|
| 202 | 227 |
| 203 | 228 |
| 204 | 229 |
| 205 | 231 |
| 206 | 230 |
| 207 | 219 |
| 208 | 232 |
| 209 (1) | 233 (1) |
| (2) | (2) |
| (3) | (3) |
| (4) | Omitted. |
| 210 | 234 |
| 211 | 235 |
| 212 | 236 |
| 213 | 237 |
| 214 | 238 |
| 215 | 239 |
| 216 | 240 |
| 217 | 241 |
| 218 | 242 |
| 219 | 243 |
| 220 | 244 |
| 221 | 181 |
| 222 | 182 |
| 223 | 183 |
| 224 | 184 |
| 225 | 185 |
| 226 | 186 |
| 227 | 253 |
| 228 | 254 |
| 229 | 255 |
| 230 | 246 |
| 231 | 247 |
| 232 | 248 |
| 233 | 249 |
| 234 | 250 |
| 235 | 256 |
| 236 | 266 |
| 237 | Repealed. See 8-9 E. VII, c. 32, s. 4. (1909). |
| 238 | Repealed. See 8-9 E. VII, c. 32, s. 5. (1909). |
| 239 | 262 |
| 240 | 264 |
| 241 | Repealed. See 8-9 E. VII, c. 32, s. 8. (1909). |
| 242 | 268 |
| 243 | 269 |
| 244 | 367 |
| 245 | 371 |
| 246 | 372 |
| 247 (1) | 373 (1), (2) |
| (a) | 373 (1) (a) |
| (b) | (b) |
| (c) | (c) |
| (d) | (d) |
| (e) | (e) |
| (f) | (f) |
| (g) | (6) |
| (2) | 373 (2) (g) |
| (3) | (h) |
| (4) | (i) |
| (5) | (3) |
| (6) | (4) |
| (7) | (5) |
| (8) | (9) |
| 248 (1) | 373 |
| (a) | Omitted, See 373 |
| (b) | Omitted. |
| (c) | Omitted. |
| (2) | 373 (2) |
| (3) | (3) |
| (4) | Omitted. |
| (5) | Omitted. |
| (6) | 373 (6), (7) |
| 249 | 273 |
| 250 (1) | 270 |
| (2) | 271 (1) |
| (3) | (2) |
| 251 | 272 |
| 252 | 274 |
| 253 | 275 |
| 254 (1) | 276 (1) |
| (2) | (2) |
| (3) | (3) |
| (4) | Repealed. See 1-2 G. V, c. 22, s. 9. (1911). |
| 255 | 277 |
| 256 | 251 |
| 257 | 252 |
| 258 | 189 |
| 259 | 245 |
| 260 | 71 |
| 261 | 278 |
| 262 | 285 |
| 263 | 286 |
| 264 | 299 |
| 265 | 300 |
| 266 | 301 |
| 267 | 302 |
| 268 | 290 |
| 269 | 289 |
| 270 | 303 (1) |
| 271 | 304 |
| 272 | 305 |
| 273 | 306 |
| 274 | 309 |
| 275 (1) | 310 (a) |
| (2) | 289 (a) |
| 276 | 311 |
| 277 | 307 |
| 278 | 308 |
| 279 | 312 |
| 280 | 352 |
| 281 | 353 |
| 282 | 390 |
| 283 | 351 |
| 284 | 313 |
| 285 | 314 |
| 286 | 348 |
| 287 | 349 |
| 288 | 284 |
| 289 | 350 |
| 290 | 377 |
| 291 | 378 |
| 292 | 287 |
| 293 | 288 |
| 294 (1) | 280 (1) |
| (2) | (2) |
| (3) | 386 |
| (4) | Repealed. See 9-10 E. VII., c. 50, s. 8. (1910). |

## Table of Corresponding Sections—*Continued.*

| The Railway Act., R.S., 1906, chap. 37. | Corresponding Sec. of new Act, or other Disposition. |
|---|---|
| (5)..... | 386 |
| 295..... | 386 |
| 296..... | 281 |
| 297..... | 282 |
| 298..... | Repealed. See 9-10 E.VII., c. 50, s. 10 (1910); 1-2 G. V., c. 22, s. 10. (1911). |
| 299 (1)..... | 151 (1) |
| (2)..... | (2) |
| (3)..... | (3) |
| (4)..... | (4) |
| (5)..... | Repealed. See 6-7 E.VII., c. 38, s. 9. (1907). |
| (6)..... | 151 (6) |
| (7)..... | (7) |
| 300..... | 449 |
| 301..... | 450 |
| 302..... | 451 |
| 303..... | 452 |
| 304..... | 453 |
| 305..... | 454 |
| 306 (1)..... | 391 (1) |
| (2)..... | (3) |
| (3)..... | (2) |
| (4)..... | (4) |
| 307..... | 291 |
| 308..... | 292 |
| 309..... | 293 |
| 310..... | 294 |
| 311..... | 295 |
| 312..... | 296 |
| 313..... | 297 |
| 314..... | Repealed. See 7-8 E. VII., c. 61, s. 11. (1908). |
| 315..... | 315 |
| 316..... | 316 |
| 317..... | 317 |
| 318..... | 318 |
| 319..... | 320 |
| 320..... | 321 |
| 321..... | 322 |
| 322..... | 324 |
| 323..... | 325 |
| 324..... | 327 |
| 325..... | 328 |
| 326..... | 329 |
| 327..... | 330 |
| 328..... | 331 |
| 329..... | 332 |
| 330..... | 333 |
| 331..... | 334 |
| 332..... | 335 |
| 333..... | 336 |
| 334..... | 337 |
| 335..... | 338 |
| 336..... | 339 |
| 337..... | 340 |
| 338..... | 341 |
| 339..... | 342 |
| 340..... | 347 |
| 341..... | 345 |
| (a)..... | (a) |
| (b)..... | (b) |
| (c)..... | Repealed. See 9-10 E.VII., C. 50, . 11. (1910). |
| (d..... | (d |

| The Railway Act., R.S., 1906, Chap. 37. | Corresponding Sec. of New Act, or other Disposition. |
|---|---|
| 342..... | 344 |
| 343..... | 346 |
| 344..... | 354 |
| 345..... | 355 |
| 346..... | 356 |
| 347..... | 356 |
| 348..... | 360 |
| 349..... | 361 |
| 350..... | 362 |
| 351..... | 363 |
| 352..... | 364 |
| 353 (1)..... | 365 (1) |
| (2)..... | Omitted. |
| (3)..... | 365 (2) |
| 354..... | 366 |
| 355..... | Repealed. See 7-8 E. VII., c. 61, ss. 1-7. (1908). |
| 356..... | Repealed. See 7-8 E. VII., c. 61, ss. 1-7. (1908). |
| 357..... | Repealed. See 7-8 E. VII., c. 61, ss. 1-7. (1908). |
| 358..... | Repealed. See 7-8 E. VII., c. 31, ss. 1-7. (1908). |
| 359..... | Repealed. See 7-8 E. VII., c. 61, ss. 1-7. (1908). |
| 360..... | Repealed. See 7-8 E. VII., c. 61, ss. 1-7. (1908). |
| 361..... | 152 |
| 362..... | 153 |
| 363..... | 154 |
| 364..... | 155 |
| 365..... | 156 |
| 366..... | 157 |
| 367..... | 158 |
| 368..... | 159 |
| 369..... | 160 |
| 370..... | Repealed. See 8-9 E. VII., c. 31, s. 2. (1908). |
| 371..... | Repealed. See 8-9 E. VII., c. 31, s. 2. (1909). |
| 372..... | Repealed. See 12 G. V., c. 22, s. 14. (1911). |
| 373..... | 382 |
| 374..... | 383 |
| 375..... | 384 |
| 376..... | 395 |
| 377..... | 398 |
| 378..... | 397 |
| 379..... | 401 |
| 380..... | 404 |
| 381..... | 405 |
| 382..... | 402 |
| 383..... | 411 |
| 384..... | 406 |
| 385..... | 412 |
| 386 (1)..... | 415 (1) |
| (2)..... | 388 |
| 387..... | 417 |
| 388..... | 434 |
| 389..... | 418 |
| 390..... | 419 |
| 391..... | 420 |
| 392..... | 421 |
| 393..... | 422 |
| 394..... | 423 |
| 395..... | 424 |

## Table of Corresponding Sections—*Continued.*

| The Railway Act, R.S., 1906, Chap. 37. | Corresponding Sec. of New Act, or Other Disposition. |
|---|---|
| 396 | 403 |
| 397 | 431 |
| 398 | 426 |
| 399 | 427 |
| 400 | 428 |
| 401 | 429 |
| 402 | 430 |
| 403 | 436 |
| 404 | 389 |
| 405 | 393 |
| 406 | 393 |
| 407 | 407 |
| 408 | 409 |
| 409 | 410 |
| 410 | 432 |
| 411 | 433 |
| 412 | 413 |
| 413 | 424 |
| 414 | 425 |
| 415 | Repealed. 7-8 E. VII., c. 18, s. 15. (1908). |
| 416 | 414 |
| 417 | 408 |
| 418 | 442 |
| 419 | 437 |
| 420 | 438 |
| 421 | 439 |
| 422 | 440 |
| 423 | 441 |
| 424 | 396 |
| 425 | 443 |
| 426 | 435 |
| 427 (1) | 444 |
| (2) | 385 |
| 428 | 445 |
| 429 | 446 |
| 430 | 447 |
| 431 | 448 |
| Schedule 1 | Repealed. 8-9 E. VII., c. 31, s. 3. (1909). |
| Schedule 2 | Repealed. 8-9 E. VII., c. 31, s. 3. (1909). |
| **6-7 Edward VII., Chap. 37 (1907).** | |
| 1 | 220 |
| **6-7 Edward VII., Chap. 38 (1907).** | |
| 1 | 42 |
| 2 | 138 |
| 3 | Unconsolidated and unrepealed. |
| 4 | 147 |
| 5 | Unconsolidated and unrepealed. |
| 6 | Unconsolidated and unrepealed. |
| 7 | Repealed. 7-8 E. VII., c. 60, s. 1. (1908). |
| 8 | 132 (2) |
| 9 | 151 (5) |
| **7-8 Edward VII., Chap. 18 (1908).** | |
| 15 | Repeals former section 415. |
| **7-8 Edward VII., Chap. 60 (1908.)** | |
| 1 | Repeals s. 7, c. 38, of 1907. |
| **7-8 Edward VII., Chap. 61 (1908).** | |
| *Part* 1. | |
| 1 | 375 |
| (a) | See s. 2 (1) |
| (b) | 375 (1) |
| (c) | (11) |
| (d) | 2 (29) |
| (e) | 2 (30) |
| 2 | 33 |
| 3 | 34 |
| 4 (1) | 375 (2) |
| (2) | (3) |
| (3) | (4) |
| (4) | (5) |
| (5) | (7) |
| (6) | (8) |
| (7) | (9) |
| (8) | Repealed. See 9-10 E. VII. c. 50, s. 13. (1910). |
| 5 (1) | 3-5 (11) |
| (2) | (11) |
| 6 | Repeals former 355-360. |
| 7 | Spent. |
| *Part* 2. | |
| 8 | Repealed. See 8-9 E. VII., c. 32, s. 1. (1909). |
| 9 | 2 (32) |
| 10 | 313 (8) |
| 11 | 323 |
| 12 | Repealed. See 8-9 E. VII., c. 32, s. 4. (1909). |
| 13 | Repealed. See 8-9 E. VII., c. 32, s. 8. (1909). |

## Table of Corresponding Sections—*Concluded.*

| 7-8 Edward VII, chap. 62, (1908). | Corresponding Sec. of new Act, or other Disposition. |
|---|---|
| 7-8 Edward VII., Chap. 62 (1908). | |
| 1 | 9 |
| 2 | 10 |
| 3 | 11 (2), (3) |
| 4 | 12 |
| 5 | 14 |
| 6 | 18 |
| 7 | 17 (2) |
| 8 | 51 |
| 9 | 26 |
| 10 | 55 |
| 11 | Repealed. See 8-9 E. VII., c. 32, s. 12. (1909). |
| 8-9 Edward VII., Chap. 31 (1909). | |
| 1 | Repealed. See 1-2 G.V., c. 22, s. 12. (1911). |
| 2 | 379, 380 |
| 3 | Repeals schedule to former Act. |
| 8-9 Edward VII., Chap. 32 (1909). | |
| 1 | 35 |
| 2 | 133 |
| 3 | 222 (2) |
| 4 | 257 |
| 5 | 258 |
| 6 | 261 |
| 7 | 263 |
| 8 | 265, 267 |
| 9 | Repealed. See 9-10 E. VII. c. 50, s. 10. (1910). |
| 10 | Repealed. See 1-2 G.V., c. 2·, s. 10. (1911). |
| 11 | 6 |
| 12 | 31 |
| 13 | 310, 289 |
| 14 | 303 (2), 347 (4) |

| 9-10 Edward VII., ehap. 50, (1910). | Corresponding Sec. of New Act, or Other Disposition. |
|---|---|
| 9-10 Edward VII., Chap. 50 (1910). | |
| 1 | 52 (3), (4) |
| 2 | 40 |
| 3 | 116 (2) |
| 4 | Repealed. See 1-2 G.V., c. 22, s. 7. (1911). |
| 5 | 276 (3) |
| 6 | 278 (7) |
| 7 | 311 (2) |
| 8 | 386 |
| 9 | 386 |
| 10 | Repealed. See 1-2 G.V., c. 22, s. 10. (1911). |
| 11 | 345 (c) |
| 12 | 385 |
| 13 | 375 (10) |
| 14 | 261 |
| 15 | 310 (3) |
| 9-10 Edward VII., Chap. 57 (1910). | |
| 1 | 376 (1) |
| 2 | 376 (1) |
| 3 | 375 (10) |
| 4 | 376 (1) |
| 5 | 376 (2) |
| 6 | 376 (3) |
| 1-2 George V., Chap. 22, (1911). | |
| 1 | 2 (4) (c) |
| 2 | 283 |
| 3 | 55 |
| 4 | 172 |
| 5 | 254 (3) (4) |
| 6 | 256 |
| 7 | 372 (5) |
| 8 | 271 (3) |
| 9 | 276 (4) ( 5) |
| 10 | 387, 283 |
| 11 | 331 (3) |
| 12 | 374 |
| 13 | 161 |
| 14 | 381 |
| 15 | 461 |
| 3-4 George V., Chap. 44 (1913). | |
| 1 | 26 (1) |
| 2 | 180 |

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 13.

An Act to consolidate and amend th Railway Act.

First reading, January 29, 1917.

MR. COCHRANE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 14.

An Act respecting The Grain Growers' Grain Company, Limited, and to authorize it to change its name to "United Grain Growers, Limited."

WHEREAS The Grain Growers' Grain Company, Limited, has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1911, c. 80; 1915, c. 73.

**1.** The Grain Growers' Grain Company, Limited, hereinafter called "the Company," a company incorporated by chapter eighty of the statutes of 1911, may, by by-law of the directors for the purpose, change the name of the Company to "United Grain Growers, Limited." Upon the passing of said by-law by the directors, the name of the Company shall become and thereafter shall be "United Grain Growers, Limited;" but such change in 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. Power to change name. Rights saved.

**2.** Section three of said chapter eighty of the said Act is hereby repealed, and the following is substituted therefor:— Head office and other places of business.

"**3.** The head office of the Company shall be at the city of Winnipeg, in the province of Manitoba, but the directors may establish other offices and places of business elsewhere. Meetings of the Company shall be held at the head office or at such other place or places as the Company or directors, from time to time, may decide." Places of meeting.

Increase of capital stock.

**3.** Section four of the said chapter eighty is hereby amended by striking out the word "two" therein and substituting the word "five" therefor, and section seven of the said chapter is hereby repealed.

Number of shares held by one shareholder.

**4.** Section five of the said chapter eighty is hereby amended by striking out the word "forty" therein and substituting the words "one hundred" therefor.

Power to prohibit shareholder voting by proxy.

**5.** The Company may, by by-law adopted by a vote of not less than two-thirds of the shareholders of the Company present or represented by proxy at a general or special meeting of the Company duly called to consider said by-law, enact that no shareholder of the Company shall thereafter have the right to vote by proxy, whereupon any right whether by law or under any provision in said chapter eighty or in the amending Act, chapter seventy-three of the statutes of 1915, to vote by proxy shall cease and determine, and any provisions in said chapters eighty and seventy-three inconsistent with said by-law shall thereupon become and be repealed.

Grouping of shareholders in local societies based on territorial districts.

**6.** The Company may, by by-law, herein called the "principal by-law," adopted by a vote of not less than two-thirds of the shareholders of the Company present at a general or special meeting of the Company duly called to consider such by-law, enact that the shareholders of the Company, including persons who shall thereafter become shareholders, shall be grouped in local societies formed upon the basis of territorial districts, or such other basis as may be determined in said by-law, or by by-law of the directors.

Societies formed by directors who may vary territorial limits.

2. The Company may enact, by said principal by-law, that said societies shall be formed by the directors of the Company, and that the directors shall have power from time to time to determine as well as vary the territorial limits or other basis from or upon which each society and membership therein is drawn or formed, whereupon the directors shall have said powers.

Representation of societies by delegates at meetings.

3. Each of the said societies shall be entitled to be represented at the annual or other meetings of the Company by delegates chosen by each society from its members. Said delegates shall alone have the right to vote at such meetings, and said delegates shall have the same powers at all meetings of the Company as the shareholders of the Company would have had if said principal by-law had not been adopted.

Each delegate only one vote.

Each delegate shall have but one vote and all questions proposed for the consideration of the Company shall, subject to the provisions herein contained, be determined by the majority of votes.

Powers of directors to fix number of delegates, etc.

4. The Company may enact, by said principal by-law, that the directors shall from time to time fix the number or proportion of said delegates to be selected by each of said societies, and that the directors shall have power to do all things needful, whether by by-law or otherwise, necessary to give effect to this section, and all by-laws passed thereunder, including the power to make from time to time by-laws and regulations for the holding of meetings by said societies for the selection of said delegates, the doing by said societies of all things needful to insure the representation of said societies by delegates at meetings of the Company, and the transaction by said societies of business proper or needful to be dealt with by them to carry out the objects of this section. Upon the enactment of said by-law with said provisions, or any of them, the directors shall be invested with the powers therein provided for.

Powers of societies.

5. The said societies shall have power to do all things necessary to give effect to this section and any by-laws passed thereunder.

By-laws prior and subsequent to formation of societies.

6. The Company may, by by-law or by-laws adopted by a vote of not less than two-thirds of the shareholders of the Company present at a general or special meeting of the Company, duly called to consider said by-law or by-laws, or in the event of said meeting being called subsequent to the formation of said societies, the Company may, by by-law or by-laws adopted by a vote of not less than two-thirds of the delegates chosen by said societies present at a general or special meeting of the Company duly called to consider such by-law or by-laws, make provision for the doing by the Company or by the directors of all things necessary to give effect to this section.

Substitution of word "delegates" for "shareholders."

7. Upon the passing of the principal by-law the word "delegates" shall become and be substituted for the word "shareholders" wherever used in the said chapters eighty and seventy-three, except in line eight of section one of the said chapter eighty and in lines eleven and fifteen of section six of the said chapter seventy-three; and for the following words in the said chapters eighty and seventy-three, namely:—"vote of not less than two-thirds of the shareholders present or represented by proxy;" "vote of the shareholders present or represented by proxy;" "vote of two-thirds of the shareholders present or represented by proxy:" there shall be substituted the words "vote of not less than two-thirds of the delegates present."

Amendments as to proxy and shareholders.

Conditional repeal of certain terms and provisions.

8. Upon the passing of the principal by-law the following words in section one of the said chapter seventy-three "and such company or society shall have at all meetings of the Grain Growers' Grain Company, Limited, a vote

for each share held by it in the capital stock of the Grain Growers' Grain Company, Limited," and all provisions in the said chapters eighty and seventy-three inconsistent with this section. shall become and be repealed.

14.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 14.

An Act respecting The Grain Growers' Grain Company, Limited, and to authorize it to change its name to "United Grain Growers, Limited."

First reading, January 31, 1917.

(PRIVATE BILL.)

MR. BRADBURY.

OTTAWA

Printed by J. DE L. TACHÉ

Printer to the King's most Excellent Majesty

1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 15.

An Act respecting the Saint John Board of Trade.

WHEREAS the Saint John Board of Trade 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:— 1872, c. 44.

**1.** The Saint John Board of Trade, in addition to the powers given to it by its Act of incorporation, (chapter forty-four of the statutes of Canada, 1872) is hereby authorized and empowered to invest its funds from time to time in the purchase of shares of the capital stock of the Saint John Board of Trade Building Company, Limited. Power to invest in shares of St. John Board of Trade Building Co.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 15.

An Act respecting the Saint John Board of Trade.

First reading, January 31, 1917.

(PRIVATE BILL.)

MR. PUGSLEY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 16.

An Act to confirm certain agreements made between The Vancouver, Victoria and Eastern Railway and Navigation Company and The Canadian Northern Pacific Railway Company.

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

1898, c. 89; 1902, c. 111; 1904, c. 137; 1905, c. 172; 1910, c. 172; 1914, c. 92; 1915, c. 59; 1916, c. 45.

**1.** The agreement made between The Vancouver, Victoria and Eastern Railway and Navigation Company and The Canadian Northern Pacific Railway Company, dated the sixth day of November, one thousand nine hundred and fifteen, a copy of which forms Schedule "A" to this Act, is hereby ratified and confirmed and declared to be valid and binding on the parties thereto in all respects whatsoever as fully and completely as if the said agreement and each and every clause thereof were set out at length and enacted in this Act, and the parties to the said agreement and each of them are hereby authorized and empowered to do whatever may be necessary to give full effect to the provisions of the said agreement.

Contract for use of tracks, right of way, etc., between New Westminster and Vancouver, B.C.

**2.** The agreement made between The Canadian Northern Pacific Railway Company and The Vancouver, Victoria and Eastern Railway and Navigation Company, dated the sixth day of November, one thousand nine hundred and fifteen, a copy of which forms Schedule "B" to this Act, is hereby ratified and confirmed and declared to be valid and binding on the parties thereto in all respects whatsoever as fully and completely as if the said agreement and each and every clause thereof were set out at length and enacted in this Act, and the parties to the said agreement and each of them are

Contract for use of tracks, right of way, etc., between Hope and Sumas Landing, B.C.

hereby authorized and empowered to do whatever may be necessary to give full effect to the provisions of the said agreement.

Power of Railway Board. Application of Railway Act.

**3.** Nothing in this Act contained shall be deemed in any way to impair the powers of the Board of Railway Commissioners for Canada, and all the provisions of the *Railway Act* now applying to the said The Vancouver, Victoria and Eastern Railway and Navigation Company and its railway and undertaking, and not inconsistent with the provisions of this Act, shall continue to apply to the same.

## SCHEDULE "A".

Agreement, made this 6th day of November, 1915, by and between the Vancouver, Victoria and Eastern Railway and Navigation Company, a corporation organized and existing under and by virtue of the laws of the Dominion of Canada, party of the first part, hereinafter called the "Vancouver Company," and the Canadian Northern Pacific Railway Company, a corporation organized and existing under and by virtue of the laws of British Columbia, party of the second part, hereinafter called the "Canadian Company."

Whereas, the Vancouver Company owns and operates a line of railway from a point of connection with the northerly approach to the provincial bridge across the Fraser River at New Westminster, in the Province of British Columbia, to the City of Vancouver in said Province; said line of railway being more particularly shown on the plat, identified by the signatures of the Chief Engineers of the parties hereto attached, made a part hereof, and marked Exhibit "A," and

Whereas, the Canadian Company desires to acquire the right, subject to certain traffic limitations, to the full, joint and equal use of the portion of the railway of the Vancouver Company aforesaid, together with all appurtenant side and passing tracks, depot and other facilities; and

Whereas, the Vancouver Company is willing to grant such use on the terms and conditions hereinafter contained.

Now therefore, in consideration of the mutual and dependent convenants and agreements by each of the parties hereto to be kept and performed, this agreement witnesseth:

### Article I.

Section 1. The Vancouver Company hereby grants to the Canadian Company, in perpetuity, the full, joint and

equal use in common with the Vancouver Company and such other company or companies as the Vancouver Company shall at any time permit to use the same or any part thereof, and subject to the conditions, limitations and restrictions in these articles set forth, of main and passing tracks and (except as hereinafter reserved) the team, standing, and industrial spur tracks of the Vancouver Company from the point where the Vancouver Company's track connects with the northerly approach to the provincial bridge across the Fraser River at New Westminster, in the Province of British Columbia, (marked "B" on Exhibit "A" hereto attached) to a point of connection between the tracks of the Vancouver Company and those of the Canadian Company at the east boundary line of the Canadian Company's False Creek property in the City of Vancouver, (marked "C" on said Exhibit "A"). The main line of the railway the use of which is herein granted is shown in red on Exhibit "A". The connections at points "B" and "C" are shown with greater particularity on Exhibits "D" and "E" hereto attached, identified by the signatures of the Chief Engineers of the parties, and hereby made a part hereof. Provided, however, the Canadian Company shall not have the right hereunder to use either the existing or hereafter created team, standing, industrial spur, or other terminal tracks of the Vancouver Company appurtenant to said main and passing tracks, which (a) connect therewith west of Nanaimo Street in the City of Vancouver, (b) connect therewith east of North Road (Columbia Street, New Westminster, produced northerly); excepting only, the Canadian Company shall have the right to use the spur track serving the New Westminster plant of the Canadian Western Lumber Company. Under the above grant the Canadian Company shall have the right to make said connections and in perpetuity to operate the same, and, with its own employees, to run and operate its trains, engines and cars over and upon all the aforesaid tracks and any and all additional main and passing tracks hereafter built, and over and upon and by means of all additions to and improvements and betterments of said railway and appurtenances, including future team, standing and industrial tracks between Nanaimo Street, Vancouver, and Columbia Street produced (North Road), New Westminster, and to conduct thereover, subject to the limitations hereinafter set forth, all such business as is or hereafter may be conducted and carried on by a common carrier, including the carrying of mail and express. Provided, however, the Canadian Company shall not do or transact, in either direction, any local business between (a) Vancouver and New Westminster; (b) Van-

couver and points on the joint section (the term "joint section" being hereinafter defined); (c) New Westminster and points on the joint section. In the event the Canadian Company is required by the lawful order of any governmental body to transact any local business described in clauses (a) to (c) inclusive, above, it shall account for and pay to the Vancouver Company eighty per cent (80%) of all gross receipts therefrom. The Vancouver company shall at all times maintain on and over the joint section train service sufficiently adequate to accommodate the local business.

Section 2. The Canadian Company shall have the right to string its telegraph and telephone lines upon the existing or future pole lines located upon and along the right of way of the Vancouver Company in Section 1 hereof described. The Canadian Company shall also have the right at its own expense to erect and thereafter maintain upon said right of way its own pole line, and string thereon its telegraph and telephone wires and connect such wires with its own or other telegraph or telephone lines.

The said line of connecting, main and passing, side, standing and industrial tracks (except team, standing, industrial spur, and other terminal tracks in the Cities of Vancouver and New Westminster, as provided in Section 1 of this Article I) and right of way, and all buildings, station grounds and all appurtenant property,with additions thereto and betterments thereof, between the connections aforesaid is hereinafter referred to as the "joint section." The right of way of the joint section is coloured yellow on Exhibit "A" and the tracks of the joint section are represented by red lines thereon.

Section 3. The Vancouver Company agrees that it will not, before the termination of this agreement, make or renew any agreement with any express company for carrying express matter upon or over said joint section, which will in anywise interfere with the right of the Canadian Company to carry express business or messengers upon or over the same; and that it will not interfere with the right of the Canadian Company to enter into any agreement with any express company which the Canadian Company may at any time or times select for the purposes of carrying express matter, business or messengers upon the trains of the Canadian Company. Provided, however, that nothing in this agreement shall be construed to prohibit the Vancouver Company from carrying express matter or messengers upon the trains of the Vancouver Company, nor to prohibit the Vancouver Company from entering into any agreement with any express company which the Vancouver Company

may at any time or times select for the purpose of carrying express matter, business or messengers upon the trains of the Vancouver Company.

Section 4. The Vancouver Company shall have charge, supervision and control of the said joint section and the operation and maintenance thereof; shall pay all taxes (other than taxes on earnings) and assessments that shall be levied thereon; shall maintain and at all times keep the same in good condition and repair and suitable for the business of the Canadian Company, and make all betterments, renewals and replacements thereof; and shall do all acts and things necessary and proper for the operation thereof; and shall comply with all the regulations prescribed by law, or any public authority, with respect thereto for the safety of the public or otherwise. The Vancouver Company shall have unrestricted power to change, add to, better and repair the joint section as it may consider advisable, including the right to provide such additional main and other tracks as it shall deem necessary. Provided, however, that such changes, betterments or repairs shall not permanently impair the usefulness of said joint section to the Canadian Company.

After conference, and subject to agreement with the other party, either of the parties hereto shall have the right to change its motive power and use some form of power other than steam, and to that end the party so changing its motive power shall have the right to add to the joint section the necessary additional facilities, upon which the other party shall not be required to pay any part of the interest charges or operating expenses until it shall have exercised its election, which is hereby given, to make use of the same. In the event the parties hereto cannot agree on the terms and conditions upon which, and the manner in which either of the parties hereto shall exercise the rights given by this section, the same shall be submitted to arbitration as hereinafter provided.

The Vancouver Company shall not be bound to furnish any fuel or other supplies, except water, for the trains or equipment of the Canadian Company, nor for the special or exclusive use in any other manner of the Canadian Company or employees thereof.

Section 5. If the Canadian Company shall at any time deem the construction of additional main track or tracks or other tracks necessary to the proper conduct of its business and the business of other users of the joint section, and the Vancouver Company be unwilling to construct any such additional main, or other tracks, then the Canadian Company shall have the right to submit the question of

the reasonable necessity of such track or tracks to arbitration, as hereinafter provided; and the decision in such arbitration shall be binding and conclusive on both or all parties as to the necessity thereof.

Section 6. In the event the Canadian Company (1) shall construct and maintain its own roundhouses and fuel facilities on the joint section (which it shall have the right to do), or (2) shall construct and maintain its own roundhouses and fuel facilities in close proximity to the joint section, subject to reasonable conditions it shall have the right to connect all said facilities with the joint section, and it shall not be required to pay any share of interest charges on, or operating expenses of, any such like facilities created by the Vancouver Company subsequent to the date when the Canadian Company shall have created its own facilities, unless the Canadian Company should use such added facilities so created by the Vancouver Company, in which case the Canadian Company will pay its pro rata share of interest charges and operating expenses on the bases hereafter in this agreement stated. On reasonable notice the Vancouver Company shall have the right to purchase at a fair price for the benefit of all the users of the joint section any such roundhouses or coaling facilities created by the Canadian Company and located upon the joint section. In the event the parties hereto cannot agree upon the amount to be paid by the Vancouver Company for such facilities, the same shall be determined by arbitration as hereinafter provided.

Section 7. The Vancouver Company shall install, operate, renew and replace any interlocking or other safety devices at any time required by public authority to be installed at the junctions of the joint section with the lines of the parties hereto, or which may be installed by agreement between the parties. The cost of installation shall be charged to capital account of the joint section, and the expense of maintenance and operation, which shall include the wages of towermen, telegraph and telephone operators required on account of interlockers or other safety devices, shall be charged to the operating expenses of the joint section.

Section 8. The Canadian Company, its successors or assigns, shall have the right at any time during the continuance of this agreement, at its own expense, to connect at suitable and convenient points with the joint section (1) any line of railway which it may hereafter construct or acquire, (2) any line of railway which may be constructed or acquired by any company or companies owned or controlled (through stock ownership or otherwise) by the

Canadian Company, and (3) any line of railway constructed or controlled (through stock ownership or otherwise) by any company owning or controlling (through stock ownership or otherwise) the Canadian Company.

Section 9. Between Nanaimo Street, Vancouver, and Columbia Street produced (North Road), New Westminster, industries shall not be established upon, nor industrial spurs constructed in connection with the joint section except by agreement between the parties hereto. In the event the parties cannot agree upon (1) the question as to whether or not any specified industry shall be located upon the above portion of the joint section, (2) the question as to whether or not any specified industrial spur shall be constructed in connection with the above portion of the joint section, or (3) the terms and conditions upon which an industry shall be established on, or an industrial spur constructed in connection with, the above portion of the joint section, the same shall be submitted for determination to the Board of Railway Commissioners for Canada, or in the event of its dissolution, to arbitration as hereinafter provided.

## Article II.

Section 1. The Canadian Company covenants and agrees to pay to the Vancouver Company during the existence of this agreement, as full compensation and rental for all the rights, interests, services and privileges herein provided for, the amount of the following named sums, monthly:—

(*a*) One-twelfth of Sixty-seven Thousand Five Hundred Dollars ($67,500.00).

(*b*) A sum equal to one-twelfth of two and one-half per cent per annum from the time when expenditures for each thereof shall be made, upon the cost of all additions to and betterments of the joint section; the terms "additions to" and "betterments of" shall include the items specified as such in the rules, orders, regulations and classifications of the Board of Railway Commissioners for Canada properly applicable and from time to time current during the existence of this agreement.

(*c*) A pro rata proportion of (1) the cost of maintaining, operating, renewing and replacing the joint section; (2) taxes and assessments by the government, municipal or otherwise, (other than taxes upon earnings) charged against or payable upon or in respect of the joint section, or any portion thereof, which shall have accrued during the term of use hereunder by the Canadian Company; and (3)

insurance premiums payable in respect to structures on the joint section, which said proportion shall bear the same ratio to the total amount expended for such purposes as the number of miles run each month by the engines and cars of the Canadian Company over the joint section shall bear to the total number of miles run over the joint section during the same month by all parties using the same, or any part thereof; an engine and tender being counted as two cars. Provided, that the Canadian Company shall not be charged on account of the maintenance, operation, renewal or replacement of any telegraph or telephone lines not used in its business or in the operation of the joint section, but shall be charged with the entire expense of maintaining, renewing and replacing any telegraph and telephone wires it may string for its own use, and a proportionate part of the cost of any renewals or replacements of the poles and fixtures on which said last mentioned wires may be strung. Provided, further, that each of the parties hereto, subject to bearing an equitable proportion of the salaries thereof, shall have the right to require the joint employees of the joint section to attend to its separate or commercial telegraph business. The cost of maintenance, operation, replacement and renewal shall be ascertained by reference to the rules, regulations and classifications of the Board of Railway Commissioners for Canada from time to time current during the existence of this agreement, and shall include expenditures for all items comprehended in the applicable accounts as prescribed by said rules, regulations and classifications.

The sums payable by the Canadian Company under paragraphs (*a*) and (*b*) above are based upon the use of the joint section by the parties hereto only. In the event the Vancouver Company shall admit any other railway company or companies to the use of the joint section, the rental payable by the Canadian Company under paragraphs (*a*) and (*b*) above shall be readjusted as follows: If one other company shall be admitted, the Canadian Company's monthly rental shall be (1) one-twelfth of Fifty-four Thousand Dollars ($54,000.00) under said paragraph (*a*), and (2) one-twelfth of two per cent (2%) per annum upon the cost of additions to and betterments of the joint section, as provided for in said paragraph (*b*); if two or more companies shall be admitted, the Canadian Company's monthly rental shall be (1) one-twelfth of Forty Thousand Five Hundred Dollars ($40,500.00) under said paragraph (*a*), and (2) one-twelfth of one and one-half per cent (1½%) per annum upon the cost of additions to and betterments of the joint section, as provided for in said paragraph (*b*).

In the event that any company or companies shall use a portion only of the joint section, the joint section shall, during such use, for the purpose of accounting and ascertaining the pro rata proportion of the capital charges, taxes, cost of maintenance and operation to be paid by the users of the joint section and parts thereof, be divided into subsections conforming to the use which may be made thereof, and separate accounts shall be kept in respect of all said subsections used by some companies and not by others, and the pro rata proportion of the operating expenses, insurance and taxes, and of percentage of capital charges, which shall be borne by each company using the joint section, or any portion thereof, shall be based on the several portions so used by said several companies, the intention being that a company hereafter admitted using a portion of the joint section shall not be called upon to contribute to the operating expenses, insurance, taxes or to capital charges on portions thereof not used by such company. Nothing herein contained shall lessen or alter the liability of the Canadian Company to pay, during the continuance of this contract, in respect of any portion of the joint section where such portion is not used by any company hereafter admitted.

Section 2. The Canadian Company shall pay to the Vancouver Company at its office in Vancouver all the compensation and charges of every name and nature which in and by this agreement the Canadian Company is required to pay, in monthly instalments, within twenty (20) days after the rendition of proper bills therefor in respect of payments required under paragraphs (*a*) and (*b*) of Section 1 of this article, and within thirty (30) days after the rendition of proper bills therefor in respect of all other compensation and charges required to be paid hereunder. Bills shall be rendered monthly by the Vancouver Company as soon as may be after the last day of each month for which such compensation and charges shall have accrued and shall contain a detailed statement of the amount due on account of expenses incurred and services rendered during such month, and be accompanied, when required, by copies of payrolls and vouchers showing expenses, certified by the General Manager, General Superintendent or Superintendent of the Vancouver Company. The Vancouver Company shall from time to time render necessary car mile statements to enable the amounts payable as aforesaid to be determined by the several companies using the joint section or any portion thereof; said statements to be subject to verification and correction by the various parties interested therein. The books, records,

vouchers, accounts and papers of the Vancouver Company touching or material to the cost of improvements, betterments or additions to the joint section, or touching or material to the operating expenses, shall at all times be freely open to the examination of the Canadian Company. The payment of bills rendered shall not be delayed for errors which are not serious and important, but bills shall be paid as rendered, notwithstanding any error of ordinary character likely to occur in railway accounts, subject to correction and adjustment of all such errors in subsequent bills.

Section 3. The Vancouver Company shall keep the station buildings and other insurable property at any time a part of the joint section at all times reasonably insured. In the event of any loss or damage to any of said station buildings or property the insurance money recovered in respect thereof shall be applicable towards the rebuilding, replacement and repair of the damaged or destroyed property. In the event that at the time of or prior to the damage to or destruction of any such building or property, it shall be unnecessary for the use of said joint section, and it shall not be desirable to rebuild, replace or repair the same, any insurance money collected in respect of such loss or damage shall be retained by the Vancouver Company, but shall be credited to the cost of any additions or betterments to the joint section on account of which the Canadian Company's rental may have been increased as herein provided, and such rentals shall be decreased accordingly.

Section 4. In the event of the sale of any property now or hereafter forming a portion of the joint section, or being appurtenant thereto, the proceeds of such sale shall be retained by the Vancouver Company, but shall be credited to capital account and the rental reduced accordingly. Any revenue derived from rental of any portion or portions of the joint section or for the use of the joint section or any portion thereof, other than from other railway companies for the joint use thereof, shall be retained by the Vancouver Company but for the purposes of this contract shall be deducted from the total of the operating expenses of the joint section for the month during which the same was received before the apportionment of such expenses under the terms of this contract.

Section 5. If the Canadian Company shall fail to make any payment when due which it is obliged by this contract to make or fail in any other respect to perform the obligations, on its part to be performed under this agreement, and such default shall continue for six months after notice in writing

shall have been given by the Vancouver Company to the Canadian Company of an intention to terminate the contract, the Vancouver Company may at its election declare this agreement terminated and may exclude the Canadian Company from all use of the joint section. Provided, that failure to make any payment which is the subject of arbitration or litigation between the parties shall not, pending such arbitration or litigation, be deemed cause of forfeiture hereunder.

## Article III.

Section 1. The Vancouver Company shall make reasonable rules and regulations, such as are from time to time customary among railroads, for the operation of the joint section.

All rules, regulations and train schedules shall be equally just, fair and non-discriminatory as between the parties hereto. Each company shall have in every respect the same rights and privileges in the transaction of its business.

All trains, engines and cars shall move over said joint section under and in accordance with the orders of the Managers, Superintendents, Dispatchers and other officers of the Vancouver Company having authority in that behalf in matters relating to the movement of trains, or in any other way affecting the safe and proper working of the joint section; and all conductors, enginemen, trainmen and other employees of the Canadian Company connected with its trains, engines and cars, shall, while upon the joint section, be subject to the rules and regulations of the Vancouver Company and the orders of its said officers in respect of such movement. The trains of the Canadian Company shall in every respect be given by the officers, agents and employees in charge or control of or engaged upon the joint section, equality of right, privilege and advantage with trains of a similar class of the Vancouver Company thereon; and shall equally have preference over trains of an inferior class belonging to either of the parties. All passenger trains shall be given preference over other trains. The main tracks of the joint section shall, so far as practicable, be at all times kept unobstructed for the use of such parties as may be entitled to use the same.

Section 2. Joint schedules for the movement of engines, trains and cars over and upon the joint section shall be made from time to time by joint action of the proper officers of botn parties hereto; said schedules shall as nearly as may be practicable afford an equality of right, privilege and advantage to trains of the same class operated

by each party hereto, and to trains of a superior class operated by either party, a preference over trains of an inferior class operated by the other party. In the event of any dispute, or inability on the part of such officers to arrange and agree upon said schedules, or to arrange for or agree as to the speed of any trains in their movement over said joint section it shall, if an agreement cannot otherwise be reached, be referred to and settled by arbitration in the manner hereinafter provided.

Section 3. The Vancouver Company shall be bound to use only reasonable and customary care, skill and diligence in maintaining, repairing and operating the joint section. The Canadian Company shall not by reason of any defect in the joint section, or by reason of the failure or neglect of the Vancouver Company to repair any such defect or by reason of the failure or neglect of any joint employee, as herein defined, to repair such defect, have or make against the Vancouver Company any claim or demand for any loss damage or injury whatsoever arising from such defect, neglect or failure; but should the Vancouver Company fail to repair any defect within a reasonable time after the Canadian Company shall have notified it, specifying the defect and requesting that it be repaired, then the Canadian Company shall have the right to make the necessary repairs at once, and the Vancouver Company shall and will pay to the Canadian Company the cost thereof, but shall include and apportion the amount thereof in operating expenses as provided by Article II of this agreement.

The Canadian Company shall at all times require its officers and employees to give prompt notice to the Vancouver Company of any defect in the joint section which may come to the notice of such officers and employees, but in no case shall the Canadian Company be liable in damages to the Vancouver Company, or to any person using the joint section, for the failure of such officers or employees to give such notice.

Section 4. In the event any engines, trains or cars of the Canadian Company shall be wrecked while being run and operated over and upon the joint section, the wreck shall be picked up at once and removed by the Vancouver Company upon request of the Canadian Company, and the Canadian Company, except as herein otherwise provided, shall pay to the Vancouver Company the whole cost and expense of such service.

Section 5. The Vancouver Company shall operate the joint section and shall employ all persons necessary to carry on the business of both parties in connection therewith. The Vancouver Company shall require all of said employees

to be neutral in the performance of their duties to both parties hereto, and to do the business of the Canadian Company and of other users of the joint section without discrimination. Such agents and employees shall not solicit business or recommend the routing thereof, but in all respects shall act with entire impartiality to the railways using the joint section. The Vancouver Company shall pay on its own rolls the total salaries of all such employees. When any of such employees are required to work overtime the expense of such overtime shall be assumed by the party hereto at whose instance and on whose behalf the work was performed. Upon the request in writing of the Canadian Company, for good cause shown, the Vancouver Company will transfer any of said employees that are unsatisfactory to the Canadian Company. It is expressly understood and agreed that this section is not intended to cover, and does not cover, employees engaged exclusively in the train service of either of the parties hereto, but any employee engaged in the service of either party upon or about trains, coal bunkers, or roundhouses shall be withdrawn from service on the joint section on the request in writing of the other party giving reasonable grounds for such withdrawal.

Section 6. All employees or agents collecting or receiving money, and so far as the custody of any moneys or revenues or effects is concerned, shall be deemed the sole and separate employees of the party for which they handle and receive the same and shall report and remit directly to it. Such party may bond them or require them to furnish bonds, and no parties hereto shall be liable to any other party hereto on account of the handling of money, revenue or effects by any such employee, or on account of the embezzlement, theft or loss of such money, revenue or effects in any manner whatsoever.

Section 7. Except trainmen and enginemen, all employees of the Vancouver Company engaged in maintaining, repairing or operating the joint section, or in dispatching, giving orders for or directing the movement of trains, cars or engines thereon, or in the performance of any other service for the common benefit of the railway companies using the joint section, shall, as between the parties hereto, for the purposes of this agreement, be deemed while engaged in such work as joint employees of all the railway companies using the joint section. Enginemen and trainmen of any work train engaged in maintaining and repairing the joint section shall likewise be deemed joint employees, but if any persons are engaged partly in the maintenance or operation of the joint section and partly in service not connected therewith,

then and in such case they shall be considered as joint employees only to the extent of their employment for the joint use and benefit of the parties hereto in connection with the joint section.

Section 8. Each party hereto assumes all risk of loss, damage or injury which shall in any manner occur upon the joint section, or any part thereof, either to property of such party, or to property in its custody, or to its passengers, or to its employees or to third persons, or which the property covered by this agreement, or which the property of third persons shall suffer by reason of the movement of any engine, car or train of such party in all respects as if the said party had been in exclusive use and control of such joint section or part thereof, excepting only such loss, damage or injury as shall be caused by the sole negligence of the sole employees of the other party; and, excepting only as aforesaid, each party agrees to save the other party harmless from such loss, damage or injury, and from all liability and claim therefor and from all consequent costs and expenses. Each party agrees to save the other party hereto harmless from loss, damage or injury caused by the negligence of its own employees and from all liability and claim therefor, and from all consequent costs and expenses.

The parties hereto expressly covenant and agree that in case of a collision between their respective engines, cars or trains on the joint section, the party whose sole employees are alone at fault shall be solely responsible for and shall settle and pay for the entire loss and damage caused thereby, and shall so save the other party harmless therefrom; and in case any such collision is caused by the fault of employees of both parties or by the fault of any joint employee or employees, or in case the cause of collision is so concealed that it cannot be determined whose employee or employees were at fault, each party shall bear and pay all the loss, damage and injury which its own property or property in its custody, or its passengers or its employees may have suffered in consequence thereof, and an equal share of all damage to property jointly used.

In the event that loss, damage or injury shall be occasioned by the negligence of the joint employees not covered by some other provision of this agreement or shall be occasioned by the operation of engines, cars or trains in such way that it cannot be determined whose engines, cars or trains caused such injury, loss or damage, then all such loss, damage or injury to persons or property shall be charged to operating expenses and apportioned in accordance with the provisions of Article II of this agreement.

Each party hereto covenants and agrees that it will forever indemnify and save harmless the other party hereto, its successors and assigns from and against all claims, liabilities or judgments by reason of any damage, the risk of which is herein assumed by such party, also from and against all claims, liabilities or judgments on account of any death, injury or damage to persons or property, the liability for which is herein assumed by such party. And such party agrees to pay, satisfy and discharge all costs, charges and expenses that may be incurred in any judgment that may be rendered by reason thereof.

Section 9. All claims or suits growing out of injury to or death of joint employees, or the loss of property of joint employees on the joint section shall be settled and paid in the first instance by the Vancouver Company. If the sole employees of the Vancouver Company are solely responsible for such injury, death or loss, no claim shall be made therefor against the Canadian Company. If the sole employees of the Canadian Company are solely responsible for such injury, death or loss, the Vancouver Company shall make bill upon the Canadian Company for the full amount paid in settlement of such claims or suits, and the Canadian Company shall pay to the Vancouver Company the amount of such bill or bills within thirty (30) days after the receipt thereof, with interest at the rate of five per cent per annum from the date of the disbursement by the Vancouver Company. If such injury, death or loss is caused by the contributing negligence of the sole employees of both parties hereto or by the sole negligence of joint employees, or by the negligence of joint employees combined with the negligence of the sole employees of either of the parties hereto, or in case the cause of the injury, death or loss cannot be determined, the Vancouver Company shall include the amount paid in settlement of such suits or claims in the operating expenses and the same shall be apportioned and borne by the parties hereto in accordance with the provisions of Article II.

Section 10. Neither party shall under any circumstances have any cause of action against the other for loss or damage of any kind caused by or resulting from interruption or delay to its business.

Section 11. In case a suit or suits shall be commenced by any person or persons, corporation or corporations against either party hereto, for or on account of any loss, damage or injury for which the other party is liable under the provisions of this agreement, the party so sued shall give to the other party reasonable notice in writing of the pendency of such suit, and thereupon the other party shall

assume the defense of such suit, and shall save and hold the party so sued harmless from all loss and costs by reason thereof. Neither party shall be concluded by any judgment against the other party unless it have reasonable notice that it will be required to defend and have reasonable opportunity to make such defense. When such notice and opportunity have been given the party notified shall be concluded by the judgment as to all matters that could have been litigated in such suit.

Section 12. The parties shall settle, as between themselves, any claim for loss or damage according to the terms of this agreement, notwithstanding any judgment or decree of any court or other tribunal in a proceeding brought by third parties.

Section 13. The Vancouver Company shall, in exercising the right in this agreement reserved, to admit other tenants to the use of the joint section, or any part thereof, on the terms and conditions permitted by this agreement, insert or cause to be inserted in any agreement admitting such other tenant or tenants, and made binding upon such other tenant or tenants, the provisions of this Article III respecting joint employees, and respecting liability for loss, damage and injury for the benefit of the Canadian Company when similar circumstances arise between the Canadian Company and such other tenant or tenants. And such agreement with such other tenant or tenants shall be construed as if it were signed by all the railway companies at any one time joining in the joint use of the joint section or any part thereof. In the event the Vancouver Company fails to insert or have inserted into any contract thus admitting another tenant to the joint use of the joint section such provisions as in this section provided for, then the Vancouver Company shall assume such obligations as would have rested upon any other such tenant so admitted had such provisions been inserted in the contract admitting such other tenant to the joint use of the property.

## Article IV.

Section 1. If at any time any question shall arise touching the construction of this contract or concerning the business or manner of transacting the business to be carried on under its provisions or concerning the observance or performance of any of its covenants, upon which question the parties cannot agree, such question shall be submitted to the arbitrament of three disinterested persons familiar with such business and experienced in railway management.

The party demanding such arbitration shall give to the other party notice of such demand, stating specifically the question to be submitted for decision and nominating a person who has the required qualifications to act as one arbitrator. If at the expiration of fifteen (15) days from the receipt of such notice the party receiving it has not notified the party demanding the arbitration of its nomination of a second arbitrator having like qualifications, the party requiring such arbitration may apply on fifteen (15) days' notice to the other party to a judge of any Superior Court of general jurisdiction, and being a court of record in the Province of British Columbia, for the appointment of a second arbitrator. And in the event of the party to which notice of arbitration is given not having appointed such arbitrator before the application shall come on for hearing before such judge such second arbitrator shall be appointed by such judge, and shall thereupon be deemed an arbitrator within this clause as if appointed by the party to whom such notice was given. The two arbitrators so appointed as aforesaid shall select a third arbitrator, and the three arbitrators so appointed shall constitute a Board of Arbitration. In the event of the two arbitrators being unable to agree on such third arbitrator either party may, upon five (5) clear days' notice to the other, apply to a judge as aforesaid for the appointment of such third arbitrator, and when so appointed such three arbitrators shall constitute the Board as aforesaid.

The third arbitrator shall have power to fix the time and place when and at which the arbitration shall be proceeded with, but in so doing shall give due consideration to the reasonable convenience of the parties and their witnesses.

Section 2. Upon such Board of Arbitration being completed it shall proceed with reasonable diligence to inquire into the questions at issue as disclosed in such notice, and may take such evidence as it may deem reasonable, or either party may submit without, if the Board or a majority deem it advisable, requiring witnesses to be sworn, and may hear argument of counsel or others as in its opinion may be desirable, and, after all the parties interested have been heard shall proceed to make its award in the premises, which award shall be in writing, and which, when signed by two or more of the arbitrators, shall be final, binding and conclusive upon the parties hereto in respect to all matters so decided.

Section 3. Immediately after any award each party shall make such changes in the conduct of its business, or such payments or restitution, as the case may be, as are in and by such award required to be made.

Section 4. But if the question at issue affects the use of the property by more than two railway companies using the property, such notice of a demand for arbitration shall be given to each company interested, and each shall have the right and be obligated to name an arbitrator having the qualifications hereinbefore stated, or in the event of its failure so to do such arbitrator shall be selected upon the notice hereinbefore provided for, by the judge aforesaid. The arbitrators so chosen, if an even number, shall select one, if an odd number, two additional arbitrators, having the qualifications before stated, to complete the Board. In case of their failure to agree upon such additional arbitrators they shall be appointed by the judge aforesaid upon like notice and in like manner hereinbefore provided. Such Board shall proceed in the same manner as herein provided for arbitration where only two companies are interested, and its award, or an award of a majority of the Board shall be final and conclusive upon the parties interested in such arbitration.

Section 5. In order to insure settlements in such cases which shall bind all the companies using the joint section, there shall be inserted in every contract admitting any other railway company, clauses of arbitration similar to those contained herein, and such arbitration clauses shall be construed as if signed by all the railway companies using the property.

Section 6. The books and papers of both or all the parties, so far as they relate to any matter submitted to arbitration, shall be open to the examination of the arbitrators.

Section 7. Each party to the arbitration shall pay an equal proportion of the fees and expenses of the arbitration, and all the fees and expenses of its own witnesses and counsel; and until the arbitrators shall make their award upon any question submitted to them the business, settlements and payments to be transacted and made under the terms of this agreement shall be continued to be transacted and made in the manner and form existing prior to the arising of such question.

Section 8. If the party shall refuse to keep and perform any award the adverse party may enforce the same by apt proceedings in any court of law or equity.

## Article V.

Section 1. This agreement shall attach to and run with the railways of the respective parties during the term hereof, and shall be binding upon and inure to the benefit of any railway company hereafter owning or operating either of

such railways, and the Canadian Company may sell or assign, by way of mortgage, the rights herein granted it in connection with and as a part of its railway line, and may further sell, assign, lease, or in any other way set over the rights herein granted it to and unto the Canadian Northern Railway Company, its successors or assigns, or any company the capital stock of which is owned or controlled by said Canadian Northern Railway Company. The covenants and agreements herein contained shall extend to and be binding upon the parties hereto, their successors, assigns and lessees, in so far as said rights to assign on the part of the Canadian Company are permitted by this paragraph.

Section 2. Nothing in this agreement contained shall limit the right of the Vancouver Company to admit other companies to the use of the joint section, or any part thereof, provided such additional use shall be possible without unduly interfering with the use of the joint section by the Canadian Company. Except as provided for in Section 5 of this Article V, the Canadian Company shall not have the right to permit any other company to the use of the joint section, nor shall it operate thereover, under the guise of doing its own business, trains, engines and cars of any other company.

Section 3. Nothing herein contained shall be taken as creating or increasing any right in any third person to recover by way of damages or otherwise against either of the parties hereto.

Section 4. This agreement shall become effective for a period of twenty years upon the execution thereof and its approval by the Board of Railway Commissioners for Canada, and shall be and become effective in perpetuity upon the approval thereof by Parliament pursuant to Section 7 of this Article, provided, however, the Canadian Company shall not be required to begin the payment of sums which it agrees by paragraphs (*a*) and (*b*) of Section 1 of Article II to pay for the joint use of the joint section until August 1, 1916, unless it begins actual use of the joint section prior to said date, in which event it shall begin the payment of all sums as required by Section 1, Article II, as of the date it begins said actual use. Provided, however, the Canadian Company shall have the right, on ninety (90) days' notice in writing to the Vancouver Company, at any time within ten (10) years from the date hereof, to terminate this agreement. In the event of such termination, the Canadian Company shall pay to the Vancouver Company the cost of any improvements or betterments on the joint section which have been put in by the Vancouver Company solely for the use and benefit

of the Canadian Company and which have not theretofore been paid for by the Canadian Company. When so paid for the Vancouver Company will, at the request and expense of the Canadian Company, remove any such improvements or betterments for the benefit of the Canadian Company.

Section 5. The trains, engines and cars of the Canadian Northern Railway Company, its successors or assigns, and of any company or companies owned or controlled (through stock ownership or otherwise) by it, its successors or assigns, and of any company or companies so owned or controlled by the Canadian Company, its successors or assigns, shall be considered the trains, engines and cars of the Canadian Company, and the Canadian Company and the Canadian Northern Railway Company shall have the right to operate the same in their own names respectively, or in the name or names of any such companies so owned or controlled by them, over the joint section under the terms of this agreement. The trains, engines and cars of the Vancouver Company, its successors or assigns, and of any company or companies owned or controlled (through stock ownership or otherwise) by it, its successors or assigns, or of any company or companies owning or controlling (through stock ownership or otherwise) the Vancouver Company, its successors or assigns, shall be considered the trains, engines and cars of the Vancouver Company, and the Vancouver Company or any company or companies so owning or controlling it shall have the right to operate the same in their own names respectively, or in the name or names of any companies so owned or controlled by them, over the joint section under the terms of this agreement.

Section 6. In case the Board of Railway Commissioners for Canada, or the Minister of Railways for the Province of British Columbia, or any other lawful authority, shall make any order in respect to the joint section upon the parties hereto, or either of them, each of the parties hereto will co-operate with the other in the carrying out of such order, and each will so arrange its operation and business as to enable the other to comply with the terms of the order made.

Section 7. The Vancouver Company shall make application to the Parliament of Canada for the necessary legislation confirming and ratifying this agreement, and the Canadian Company consents that such legislation may be enacted, and hereby agrees to co-operate with the Vancouver Company in obtaining the same. The Canadian Company shall make application to the Legislative Assembly of British Columbia for the necessary legislation confirming and ratifying this agreement, and the Vancouver Company

hereby consents to the enactment of such legislation and agrees to co-operate in obtaining the same.

The expense in connection with such applications shall be charged to operating expenses and apportioned and paid accordingly.

Section 8. If for any reason any covenant or agreement hereinbefore contained, not material to the right of the Canadian Company to use the joint section shall be adjudged void, such adjudication shall not affect the validity, obligation or performance of any other covenant or agreement which is in itself valid. No controversy as to the construction or validity of any covenant or agreement shall delay the performance of any other covenant or agreement. In the event of the failure in law of any covenant or agreement herein contained, such steps shall be taken, and such other agreement or agreements shall be made as shall be advised by counsel to carry into effect the purposes and intents herein expressed.

Section 9. If at any time hereafter, by operation of law or judicial proceedings or otherwise, either party hereto, or any receiver, trustee under mortgage or other person for it shall have the right or option to terminate this agreement, then and in such case the other party, its successors or assigns shall also have the right to terminate it.

In witness whereof, the said Vancouver, Victoria and Eastern Railway and Navigation Company and the said Canadian Northern Pacific Railway Company have caused this instrument to be executed by their proper officers and their corporate seals to be hereunto affixed the day and year first above written.

VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY.

By Ralph Budd,
(Seal) *President.*

In the presence of:
Emil Borg.
G. E. Miller.

Attest: L. E. Katzenbach,
*Assistant Secretary.*

CANADIAN NORTHERN PACIFIC RAILWAY COMPANY.

By Wm. Mackenzie,
(Seal) *President.*

Attest: R. P. Ormsby,
*Secretary.*

F. W. Phippen.
M. E. Swann.

The Canadian Northern Railway Company, a corporation organized and existing by virtue of the laws of the Dominion of Canada, for and in consideration of the covenants and agreements made in the foregoing contract by the Vancouver, Victoria and Eastern Railway and Navigation Company, and for other valuable considerations to it moving, the receipt whereof is hereby acknowledged, does hereby guarantee to the said Vancouver, Victoria and Eastern Railway and Navigation Company the performance by the Canadian Northern Pacific Railway Company of the foregoing contract and of each and every of the conditions, covenants and agreements therein contained on the part of the said Canadian Northern Pacific Railway Company.

In witness whereof the said Canadian Northern Railway Company has caused this instrument to be executed by its proper officers and its corporate seal to be hereunto affixed and attested this 6th day of November, 1915.

CANADIAN NORTHERN RAILWAY COMPANY.

By Wm. Mackenzie,
*President.*

Attest: R. P. Ormsby,
(Seal) *Asst. Secretary.*

In presence of:
F. W. Phippen.
M. E. Swann.

The Great Northern Railway Company, a corporation organized and existing under and by virtue of the laws of the State of Minnesota, for and in consideration of One Dollar ($1.00) to it in hand paid and for and in consideration of the covenants and agreements made in the foregoing contract by the Canadian Northern Pacific Railway Company, and for other valuable considerations to it moving, the receipt whereof is hereby acknowledged, does hereby guarantee to the said Canadian Northern Pacific Railway Company the performance by the Vancouver, Victoria and Eastern Railway and Navigation Company of the foregoing contract and of each and every of the conditions, covenants and agreements therein contained on the part of the said Vancouver, Victoria and Eastern Railway and Navigation Company.

In witness whereof, the said Great Northern Railway Company has caused this instrument to be executed by its

proper officers and its corporate seal to be hereunto affixed and attested this 6th day of November, 1915.

GREAT NORTHERN RAILWAY COMPANY.
By J. M. Gruber,
*Vice-President,*

Attest: L. E. Katzenbach,
*Secretary.*

(Seal)
In presence of:
Harry W. Kask.
G. E. Miller.

SCHEDULE "B".

Agreement, made this 6th day of November, 1915, by and between the Canadian Northern Pacific Railway Company, a corporation organized and existing under and by virtue of the laws of British Columbia, party of the first part hereinafter called the "Canadian Company," and the Vancouver, Victoria and Eastern Railway and Navigation Company, a corporation organized and existing under and by virtue of the laws of the Dominion of Canada, party of the second part, hereinafter called the "Vancouver Company."

Whereas, the Canadian Company has about completed a line of railway in the Province of British Columbia, which extends from a point of connection with the railway of the Vancouver Company one-quarter (¼) mile east of the depot of the Canadian Company at Hope, in the District of Yale-Cariboo, British Columbia, to a point of connection to be made with the Vancouver Company's railway at Sumas Landing, one and three-quarter (1¾) miles east of Sumas River bridge, in the District of New Westminster, British Columbia, said line of railway and points of connection being more particularly shown on the plat, identified by the signatures of the Chief Engineers of the parties hereto attached, made a part hereof, and marked Exhibit "A," and

Whereas, the Vancouver Company desires to acquire the right to the full joint and equal use of the portion of the railway of the Canadian Company aforesaid, together with all appurtenant side and passing tracks, and depot and other facilities; and

Whereas, the Canadian Company is willing to grant such use upon the terms and conditions hereinafter contained.

Now therefore, in consideration of the mutual and dependent covenants and agreements by each of the parties hereto to be kept and performed, this agreement witnesseth;

ARTICLE I.

Section 1. The Canadian Company hereby grants to the Vancouver Company in perpetuity the full, joint and equal use, in common with the Canadian Company, and such other company or companies as the Canadian Company shall at any time permit to use the same or any part thereof, and subject to the conditions, limitations and restrictions in these articles set forth, of main and passing tracks of the Canadian Company from the point where the Vancouver Company's track connects with the track of the Canadian Company at Hope, District of Yale-Cariboo, British Columbia (said point being about one-quarter (¼) mile east of the depot of said Canadian Company) to a point of connection between the Canadian Company's track and the track of the Vancouver Company at Sumas Landing, District of New Westminster, British Columbia (said point being one and three-quarter (1¾) miles east of Sumas River bridge of the Vancouver Company); together with like full joint and equal use of the right of way between said points and all side, standing and industrial tracks, buildings, station grounds and appurtenant property thereon and connected therewith between said above described points. Said line of railway and points of connection are represented and shown on Exhibit "A" hereto attached. Under the above grant, the Vancouver Company shall have the right to make said connections and in perpetuity to operate the same, and, with its own employees, to run and operate its trains, engines and cars over and upon all the aforesaid tracks and any and all additional main and passing tracks hereafter built, and over and upon and by means of all additions, improvements and betterments of said railway and appurtenances, and to conduct thereover, subject to the limitations hereinafter set forth, all such business that is or hereafter may be conducted and carried on by a common carrier, including the carrying of mail and express.

Section 2. The Vancouver Company shall have the right to string its telegraph and telephone lines upon the existing or future pole lines located upon and along the right of way of the Canadian Company in Section 1 hereof described. The Vancouver Company shall also have the right at its own expense to erect and thereafter maintain upon said right of way its own pole line, and string thereon its telegraph and telephone wires and connect such wires with its own or other telegraph or telephone lines.

The said line of connecting, main and passing, side, standing and industrial tracks and right of way and all buildings, station grounds, and all appurtenant property,

with additions thereto and betterments thereof, between the connections aforesaid, is hereinafter referred to as the "joint section."

Section 3. The Canadian Company agrees that it will not before the termination of this agreement make or renew any agreement with any express company for carrying express matter upon or over said joint section which will in anywise interfere with the right of the Vancouver Company to carry express business or messengers upon or over the same; and that it will not interfere with the right of the Vancouver Company to enter into any agreement with any express company which the Vancouver Company may at any time or times select for the purposes of carrying express matter, business or messengers upon the trains of the Vancouver Company; Provided, however, that nothing in this agreement shall be construed to prohibit the Canadian Company from carrying express matter or messengers upon the trains of the Canadian Company, nor to prohibit the Canadian Company from entering into any agreement with any express company which the Canadian Company may at any time or times select for the purpose of carrying express matter, business or messengers upon the trains of the Canadian Company.

Section 4. The Canadian Company shall have charge, supervision and control of the said joint section and the operation and maintenance thereof; shall pay all taxes, if any (other than taxes on earnings), and assessments, if any, that shall be levied thereon; shall maintain and at all times keep the same in good condition and repair and suitable for the business of the Vancouver Company, and make all betterments, renewals and replacements thereof; shall do all acts and things necessary and proper for the operation thereof; and shall comply with all the regulations prescribed by law, or any public authority, with respect thereto for the safety of the public or otherwise. The Canadian Company shall have unrestricted power to change, add to, better and repair the joint section as it may consider advisable, including the right to provide such additional main and other tracks as it shall deem necessary; Provided, however, that such changes, betterments or repairs shall not permanently impair the usefulness of said joint section to the Vancouver Company.

After conference, and subject to agreement with the other party, either of the parties hereto shall have the right to change its motive power and use some form of power other than steam, and to that end the party so changing its motive power shall have the right to add to the joint section the necessary additional facilities, upon which the

other party shall not be required to pay any part of the interest charges or operating expenses until it shall have exercised its election, which is hereby given, to make use of the same. In the event the parties hereto cannot agree on the terms and conditions upon which, and the manner in which either of the parties hereto shall exercise the rights given by this section, the same shall be submitted to arbitration as hereinafter provided.

The Canadian Company shall not be bound to furnish any fuel or other supplies, except water, for the trains or equipment of the Vancouver Company, nor for the special or exclusive use in any other manner of the Vancouver Company or employees thereof.

Section 5. If the Vancouver Company shall at any time deem the construction of additional main track or tracks or other tracks necessary to the proper conduct of its business and the business of other users of the joint section, and the Canadian Company be unwilling to construct any such additional main, or other tracks, then the Vancouver Company shall have the right to submit the question of the reasonable necessity of such track or tracks to arbitration, as hereinafter provided; and the decision in such arbitration shall be binding and conclusive on both or all parties as to the necessity thereof.

Section 6. In the event the Vancouver Company (1) shall construct and maintain its own roundhouses and fuel facilities on the joint section (which it shall have the right to do), or (2) shall construct and maintain its own roundhouses and fuel facilities in close proximity to the joint section, subject to reasonable conditions, it shall have the right to connect all said facilities with the joint section, and it shall not be required to pay any share of interest charges on or operating expenses of any such like facilities created by the Canadian Company subsequent to the date when the Vancouver Company shall have created its own facilities, unless the Vancouver Company should use such added facilities so created by the Canadian Company, in which case the Vancouver Company will pay its pro rata share of interest charges and operating expenses on the bases hereafter in this agreement stated. On reasonable notice the Canadian Company shall have the right to purchase at a fair price for the benefit of all the users of the joint section any such roundhouses or coaling facilities created by the Vancouver Company and located upon the joint section. In the event the parties hereto cannot agree upon the amount to be paid by the Canadian Company for such facilities, the same shall be determined by arbitration as hereinafter provided.

Section 7. The Canadian Company shall install, operate, renew and replace any interlocking or other safety devices at any time required by public authority to be installed at the junctions of the joint section with the lines of the parties hereto, or which may be installed by agreement between the parties. The cost of installation shall be charged to capital account of the joint section, and the expense of maintenance and operation, which shall include the wages of towermen, telegraph and telephone operators required on account of interlockers or other safety devices, shall be charged to the operating expenses of the joint section.

Section 8. The Vancouver Company, its successors or assigns, shall have the right at any time during the continuance of this agreement, at its own expense, to connect at suitable and convenient points with the joint section (1) any line of railway which it may hereafter construct or acquire; (2) any line of railway which may be constructed or acquired by any company or companies owned or controlled (through stock ownership or otherwise) by the Vancouver Company; and (3) any line of railway constructed or controlled (through stock ownership or otherwise) by any company owning or controlling (through stock ownership or otherwise) the Vancouver Company.

Section 9. Industries shall not be established upon, nor industrial spurs constructed in connection with the joint section except by agreement between the parties hereto. In the event the parties cannot agree upon (1) the question as to whether or not any specified industry shall be located upon the joint section; (2) the question as to whether or not any specified industrial spur shall be constructed in connection with the joint section; or (3) the terms and conditions upon which an industry shall be established on or an industrial spur constructed in connection with the joint section, the same shall be submitted for determination to the Board of Railway Commissioners for Canada, or in the event of its dissolution, to arbitration as hereinafter provided.

## Article II.

Section 1. The Vancouver Company covenants and agrees to pay to the Canadian Company during the existence of this agreement, as full compensation and rental for all the rights, interests, services and privileges herein provided for, the amount of the following named sums, monthly:

(*a*) One-twelfth of Forty-two Thousand Five Hundred Dollars ($42,500.00).

(*b*) A sum equal to one-twelfth of two and one-half per cent per annum from the time when expenditures for each thereof shall be made, upon the cost of all additions to and betterments of the joint section; the terms "additions to" and "betterments of" shall include the items specified as such in the rules, orders, regulations and classifications of the Board of Railway Commissioners for Canada properly applicable and from time to time current during the existence of this agreement.

(*c*) A pro rata proportion of (1) the cost of maintaining, operating, renewing and replacing the joint section; (2) taxes, when legally imposed, and assessments, when lawfully made by the government, municipal or otherwise, (other than taxes upon earnings) charged against or payable upon or in respect of the joint section, or any portion thereof, which shall have accrued during the term of use hereunder by the Vancouver Company; and (3) insurance premiums payable in respect to structures on the joint section, which said proportion shall bear the same ratio to the total amount expended for such purposes as the number of miles run each month by the engines and cars of the Vancouver Company over the joint section shall bear to the total number of miles run over the joint section during the same month by all parties using the same, or any part thereof; an engine and tender being counted as two cars. Provided, that the Vancouver Company shall not be charged on account of the maintenance, operation, renewal or replacement of any telegraph or telephone lines not used in its business or in the operation of the joint section, but shall be charged with the entire expense of maintaining, renewing and replacing any telegraph and telephone wires it may string for its own use, and a proportionate part of the cost of any renewals or replacements of the poles and fixtures on which said last mentioned wires may be strung. Provided further, that each of the parties hereto, subject to bearing an equitable proportion of the salaries thereof, shall have the right to require the joint employees of the joint section to attend to its separate or commercial telegraph business. The cost of maintenance, operation, replacement and renewal shall be ascertained by reference to the rules, regulations and classifications of the Board of Railway Commissioners for Canada from time to time current during the existence of this agreement, and shall include expenditures for all items comprehended in the applicable accounts as precribed by said rules, regulations and classifications.

The sums payable by the Vancouver Company under paragraphs (*a*) and (*b*) above are based upon the use of the joint section by the parties hereto only. In the event the

Canadian Company shall admit any other railway company or companies to the use of the joint section, the rental payable by the Vancouver Company under paragraphs (*a*) and (*b*) above shall be readjusted as follows: If one other company shall be admitted, the Vancouver Company's monthly rental shall be (1) one-twelfth of Thirty-four Thousand Dollars ($34.000.00) under said paragraph (*a*), and (2) one-twelfth of two per cent (2%) per annum upon the cost of additions to and betterments of the joint section, as provided for in said paragraph (*b*); if two or more companies shall be admitted, the Vancouver Company's monthly rental shall be (1) one-twelfth of Twenty-five Thousand Five Hundred Dollars ($25,500.00) under said paragraph (*a*), and (2) one-twelfth of one and one-half per cent (1½%) per annum upon the cost of additions to and betterments of the joint section, as provided for in said paragraph (*b*).

In the event that any company or companies shall use a portion only of the joint section, the joint section shall during such use for the purpose of accounting and ascertaining the pro rata proportion of the capital charges, taxes, cost of maintenance and operation to be paid by the users of the joint section and parts thereof, be divided into subsections conforming to the use which may be made thereof and separate accounts shall be kept in respect of all said subsections used by some companies and not by others, and the pro rata proportion of the operating expenses, insurance and taxes, and of percentage of capital charges, which shall be borne by each company using the joint section, or any portion thereof, shall be based on the several portions so used by said several companies, the intention being that a company hereafter admitted using a portion of the joint section shall not be called upon to contribute to the operating expenses, insurance, taxes or to capital charges on portions thereof not used by such company. Nothing herein contained shall lessen or alter the liability of the Vancouver Company to pay, during the continuance of this contract, in respect of any portion of the joint section where such portion is not used by any company hereafter admitted.

Section 2. The Vancouver Company shall pay to the Canadian Company at its office in Vancouver all the compensation and charges of every name and nature which in and by this agreement the Vancouver Company is required to pay, in monthly instalments, within twenty (20) days after the rendition of proper bills therefor in respect of payments required under paragraphs (*a*) and (*b*) of Section 1 of this Article, and within thirty (30) days after the rendition of proper bills therefor in respect of all other compensation and charges required to be paid hereunder.

Bills shall be rendered monthly by the Canadian Company as soon as may be after the last day of each month for which such compensation and charges shall have accrued and shall contain a detailed statement of the amount due on account of expenses incurred and services rendered during such month, and be accompanied, when required, by copies of payrolls and vouchers showing expenses, certified by the General Manager, General Superintendent or Superintendent of the Canadian Company. The Canadian Company shall from time to time render necessary car mile statements to enable the amounts payable as aforesaid to be determined by the several companies using the joint section or any portion thereof; said statements to be subject to verification and correction by the various parties interested therein. The books, records, vouchers, accounts and papers of the Canadian Company touching or material to the cost of improvements, betterments or additions to the joint section, or touching or material to the operating expenses, shall at all times be freely open to the examination of the Vancouver Company. The payment of bills rendered shall not be delayed for errors which are not serious and important, but bills shall be paid as rendered, notwithstanding any error of ordinary character likely to occur in railway accounts, subject to correction and adjustment of all such errors in subsequent bills.

Section 3. The Canadian Company shall keep the station buildings and other insurable property at any time a part of the joint section at all times reasonably insured. In the event of any loss or damage to any of said station buildings or property the insurance money recovered in respect thereof shall be applicable towards the rebuilding, replacement and repair of the damaged or destroyed property. In the event that at the time of or prior to the damage or destruction of any such building or property, it shall be unnecessary for the use of said joint section, and it shall not be desirable to rebuild, replace or repair the same, any insurance money collected in respect of such loss or damage shall be retained by the Canadian Company, but shall be credited to the cost of any additions or betterments to the joint section on account of which the Vancouver Company's rental may have been increased as herein provided, and such rentals shall be decreased accordingly.

Section 4. In the event of the sale of any property now or hereafter forming a portion of the joint section, or being appurtenant thereto, the proceeds of such sale shall be retained by the Canadian Company, but shall be credited to capital account and the rental reduced accordingly. Any revenue derived from rental of any portion or portions of the

joint section or for the use of the joint section or any portion thereof, other than from other railway companies for the joint use thereof, shall be retained by the Canadian Company but for the purposes of this contract shall be deducted from the total of the operating expenses of the joint section for the month during which the same was received before the apportionment of such expenses under the terms of this contract.

Section 5. If the Vancouver Company shall fail to make any payment when due which it is obliged by this contract to make, or fail in any other respect to perform the obligaations on its part to be performed under this agreement, and such default shall continue for six months after notice in writing shall have been given by the Canadian Company to the Vancouver Company of an intention to terminate the contract, the Canadian Company may at its election declare this agreement terminated and may exclude the Vancouver Company from all use of the joint section. Provided, that failure to make any payment which is the subject of arbitration or litigation between the parties shall not, pending such arbitration or litigation, be deemed cause of forfeiture hereunder.

## Article III.

Section 1. The Canadian Company shall make reasonable rules and regulations, such as are from time to time customary among railroads, for the operation of the joint section. All rules, regulations and train schedules shall be equally just, fair and non-discriminatory as between the parties hereto. Each company shall have in every respect the same rights and privileges in the transaction of its business.

All trains, engines and cars shall move over said joint section under and in accordance with the orders of the managers, superintendents, dispatchers and other officers of the Canadian Company having authority in that behalf in matters relating to the movement of trains, or in any other way affecting the safe and proper working of the joint section; and all conductors, enginemen, trainmen and other employees of the Vancouver Company connected with its trains, engines, and cars, shall while upon the joint section be subject to the rules and regulations of the Canadian Company and the orders of its said officers in respect of such movement. The trains of the Vancouver Company shall in every respect be given by the officers, agents and employees in charge or control of or engaged upon the joint section, equality of right, privilege and advantage with trains of a similar class of the Canadian Company thereon;

and shall equally have preference over trains of an inferior class belonging to either of the parties. All passenger trains shall be given preference over other trains. The main tracks of the joint section shall, so far as practicable, be at all times kept unobstructed for the use of such parties as may be entitled to use the same.

Section 2. Joint schedules for the movement of engines, trains and cars over and upon the joint section shall be made from time to time by joint action of the proper officers of both parties hereto; said schedules shall as nearly as may be practicable afford an equality of right, privilege and advantage to trains of the same class operated by each party hereto and, to trains of a superior class operated by either party, a preference over trains of an inferior class operated by the other party. In the event of any dispute, or inability on the part of such officers to arrange and agree upon said schedules, or to arrange for or agree as to the speed of any trains in their movement over said joint section it shall, if an agreement cannot otherwise be reached, be referred to and settled by arbitration in the manner hereinafter provided.

Section 3. The Canadian Company shall be bound to use only reasonable and customary care, skill and diligence in maintaining, repairing and operating the joint section. The Vancouver Company shall not by reason of any defect in the joint section, or by reason of the failure or neglect of the Canadian Company to repair any such defect or by reason of the failure or neglect of any joint employee, as herein defined, to repair such defect, have or make against the Canadian Company any claim or demand for any loss, damage or injury whatsoever arising from such defect, neglect or failure; but should the Canadian Company fail to repair any defect within a reasonable time after the Vancouver Company shall have notified it, specifying the defect and requesting that it be repaired, then the Vancouver Company shall have the right to make the necessary repairs at once, and the Canadian Company shall and will pay to the Vancouver Company the cost thereof, but shall include and apportion the amount thereof in operating expenses as provided by Article II of this agreement.

The Vancouver Company shall at all times require its officers and employees to give prompt notice to the Canadian Company of any defect in the joint section which may come to the notice of such officers and employees, but in no case shall the Vancouver Company be liable in damages to the Canadian Company, or to any person using the joint section for the failure of such officers or employees to give such notice.

Section 4. In the event any engines, trains or cars of the Vancouver Company shall be wrecked while being run and operated over and upon the joint section, the wreck shall be picked up at once and removed by the Canadian Company upon request of the Vancouver Company, and the Vancouver Company, except as herein otherwise provided, shall pay to the Canadian Company the whole cost and expense of such service.

Section 5. The Canadian Company shall operate the joint section and shall employ all persons necessary to carry on the business of both parties in connection therewith. The Canadian Company shall require all of said employees to be neutral in the performance of their duties to both parties hereto, and to do the business of the Vancouver Company and of other users of the joint section without discrimination. Such agents and employees shall not solicit business or recommend the routing thereof, but in all respects shall act with entire impartiality to the railways using the joint section. The Canadian Company shall pay on its own rolls the total salaries of all such employees. When any of such employees are required to work overtime the expense of such overtime shall be assumed by the party hereto at whose instance and on whose behalf the work was performed. Upon the request in writing of the Vancouver Company, for good cause shown, the Canadian Company will transfer any of said employees that are unsatisfactory to the Vancouver Company. It is expressly understood and agreed that this section is not intended to cover, and does not cover, employees engaged exclusively in the train service of either of the parties hereto, but any employee engaged in the service of either party upon or about trains, coal bunkers, or roundhouses shall be withdrawn from service on the joint section on the request in writing of the other party giving reasonable grounds for such withdrawal.

Section 6. All employees or agents collecting or receiving money, and so far as the custody of any moneys or revenues or effects is concerned, shall be deemed the sole and separate employees of the party for which they handle and receive the same and shall report and remit directly to it. Such party may bond them or require them to furnish bonds, and no parties hereto shall be liable to any other party hereto on account of the handling of money, revenue or effects by any such employee, or on account of the embezzlement, theft or loss of such money, revenue or effects in any manner whatsoever.

Section 7. Except trainmen and enginemen, all employees of the Canadian Company engaged in maintaining, repairing

or operating the joint section, or in dispatching, giving orders for or directing the movement of trains, cars or engines thereon, or in the performance of any other service for the common benefit of the railway companies using the joint section, shall as between the parties hereto, for the purposes of this agreement, be deemed while engaged in such work as joint employees of all the railway companies using the joint section. Enginemen and trainmen of any work train engaged in maintaining and repairing the joint section shall likewise be deemed joint employees, but if any persons are engaged partly in the maintenance or operation of the joint section and partly in service not connected therewith, then and in such case they shall be considered as joint employees only to the extent of their employment for the joint use and benefit of the parties hereto in connection with the joint section.

Section 8. Each party hereto assumes all risk of loss, damage or injury which shall in any manner occur upon the joint section, or any part thereof, either to property of such party, or to property in its custody, or to its passengers, or to its employees or to third persons, or which the property covered by this agreement, or which the property of third persons shall suffer by reason of the movement of any engine, car or train of such party in all respects as if the said party had been in exclusive use and control of such joint section or part thereof, excepting only such loss, damage or injury as shall be caused by the sole negligence of the sole employees of the other party; and, excepting only as aforesaid, each party agrees to save the other party harmless from such loss, damage or injury, and from all liability and claim therefor and from all consequent costs and expenses. Each party agrees to save the other party hereto harmless from loss, damage or injury caused by the negligence of its own employees and from all liability and claim therefor, and from all consequent costs and expenses.

The parties hereto expressly covenant and agree that in case of a collision between their respective engines, cars or trains on the joint section, the party whose sole employees are alone at fault shall be solely responsible for and shall settle and pay for the entire loss and damage caused thereby, and shall so save the other party harmless therefrom; and in case any such collision is caused by the fault of employees of both parties or by the fault of any joint employee or employees, or in case the cause of collision is so concealed that it cannot be determined whose employee or employees were at fault, each party shall bear and pay all the loss, damage and injury which its own property or property in its custody, or its passengers or its employees may have

suffered in consequence thereof, and an equal share of all damage to property jointly used.

In the event that loss, damage or injury shall be occasioned by the negligence of the joint employees not covered by some other provision of this agreement or shall be occasioned by the operation of engines, cars or trains in such way that it cannot be determined whose engines, cars or trains caused such injury, loss or damage, then all such loss, damage or injury to persons or property shall be charged to operating expenses and apportioned in accordance with the provisions of Article II of this agreement.

Each party hereto covenants and agrees that it will forever indemnify and save harmless the other party hereto, its successors and assigns, from and against all claims, liabilities or judgments by reason of any damage, the risk of which is herein assumed by such party, also from and against all claims, liabilities or judgments on account of any death, injury or damage to persons or property, the liability for which is herein assumed by such party. And such party agrees to pay, satisfy and discharge all costs, charges and expenses that may be incurred in any judgment that may be rendered by reason thereof.

Section 9. All claims or suits growing out of injury to or death of joint employees, or the loss of property of joint employees on the joint section shall be settled and paid in the first instance by the Canadian Company. If the sole employees of the Canadian Company are solely responsible for such injury, death or loss, no claim shall be made therefor against the Vancouver Company. If the sole employees of the Vancouver Company are solely responsible for such injury, death or loss, the Canadian Company shall make bill upon the Vancouver Company for the full amount paid in settlement of such claims or suits, and the Vancouver Company shall pay to the Canadian Company the amount of such bill or bills within thirty (30) days after the receipt thereof, with interest at the rate of five per cent per annum from the date of the disbursement by the Canadian Company. If such injury, death or loss is caused by the contributing negligence of the sole employees of both parties hereto or by the sole negligence of joint employees, or by the negligence of joint employees combined with the negligence of the sole employees of either of the parties hereto, or in case the cause of the injury, death or loss cannot be determined, the Canadian Company shall include the amount paid in settlement of such suits or claims in the operating expenses and the same shall be apportioned and borne by the parties hereto in accordance with the provisions of Article II.

Section 10. Neither party shall under any circumstances have any cause of action against the other for loss or damage of any kind caused by or resulting from interruption or delay to its business.

Section 11. In case a suit or suits shall be commenced by any person or persons, corporation or corporations against either party hereto, for or on account of any loss, damage or injury for which the other party is liable under the provisions of this agreement, the party so sued shall give to the other party reasonable notice in writing of the pendency of such suit, and thereupon the other party shall assume the defense of such suit, and shall save and hold the party so sued harmless from all loss and costs by reason thereof. Neither party shall be concluded by any judgment against the other party unless it have reasonable notice that it will be required to defend and have reasonable opportunity to make such defense. When such notice and opportunity have been given the party notified shall be concluded by the judgment as to all matters that could have been litigated in such suit.

Section 12. The parties shall settle, as between themselves, any claim for loss or damage according to the terms of this agreement, notwithstanding any judgment or decree of any court or other tribunal in a proceeding brought by third parties.

Section 13. The Canadian Company shall in exercising the right in this agreement reserved, to admit other tenants to the use of the joint section, or any part thereof, on the terms and conditions permitted by this agreement, insert or cause to be inserted in any agreement admitting such other tenant or tenants, and made binding upon such other tenant or tenants, the provisions of this Article III respecting joint employees, and respecting liability for loss, damage and injury for the benefit of the Vancouver Company when similar circumstances arise between the Vancouver Company and such other tenant or tenants. And such agreement with such other tenant or tenants shall be construed as if it were signed by all the railway companies at any one time joining in the joint use of the joint section or any part thereof. In the event that the Canadian Company fails to insert or have inserted into any contract thus admitting another tenant to the joint use of the joint section such provisions as in this section provided for, then the Canadian Company shall assume such obligations as would have rested upon any other such tenant so admitted had such provisions been inserted in the contract admitting such other tenant to the joint use of the property.

## Article IV.

Section 1. If at any time any question shall arise touching the construction of this contract or concerning the business or manner of transacting the business to be carried on under its provisions or concerning the observance or performance of any of its covenants upon which question the parties cannot agree, such question shall be submitted to the arbitrament of three disinterested persons familiar with such business and experienced in railway management. The party demanding such arbitration shall give to the other party notice of such demand, stating specifically the question to be submitted for decision and nominating a person who has the required qualifications to act as one arbitrator. If at the expiration of fifteen (15) days from the receipt of such notice the party receiving it has not notified the party demanding the arbitration of its nomination of a second arbitrator having like qualifications, the party requiring such arbitration may apply on fifteen (15) days' notice to the other party to a judge of any Superior Court of general jurisdiction, and being a court of record in the Province of British Columbia, for the appointment of a second arbitrator. And in the event of the party to which notice of arbitration is given not having appointed such arbitrator before the application shall come on for hearing before such judge, such second arbitrator shall be appointed by such Judge, and shall thereupon be deemed an arbitrator within this clause as if appointed by the party to whom such notice was given. The two arbitrators so appointed as aforesaid shall select a third arbitrator, and the three arbitrators so appointed shall constitute a Board of Arbitration. In the event of the two arbitrators being unable to agree on such third arbitrator either party may upon five (5) clear days' notice to the other apply to a judge as aforesaid for the appointment of such third arbitrator, and when so appointed such three arbitrators shall constitute the Board as aforesaid.

The third arbitrator shall have power to fix the time and place when and at which the arbitration shall be proceeded with, but in so doing shall give due consideration to the reasonable convenience of the parties and their witnesses.

Section 2. Upon such Board of Arbitration being completed it shall proceed with reasonable diligence to inquire into the questions at issue as disclosed in such notice, and may take such evidence as it may deem reasonable, or either party may submit without, if the Board or a majority deem it advisable, requiring witnesses to be sworn, and may hear argument of counsel or others as in its opinion may be desirable, and, after all the parties interested have been

heard shall proceed to make its award in the premises, which award shall be in writing, and which, when signed by two or more of the arbitrators, shall be final, binding and conclusive upon the parties hereto in respect to all matters so decided.

Section 3. Immediately after any award each party shall make such changes in the conduct of its business, or such payments or restitution, as the case may be, as are in and by such award required to be made.

Section 4. But if the question at issue affects the use of the property by more than two railway companies using the property, such notice of a demand for arbitration shall be given to each company interested, and each shall have the right and be obligated to name an arbitrator having the qualifications hereinbefore stated, or in the event of its failure so to do such arbitrator shall be selected upon the notice hereinbefore provided for, by the judge aforesaid. The arbitrators so chosen, if an even number, shall select one, if an odd number, two additional arbitrators, having the qualifications before stated, to complete the Board. In case of their failure to agree upon such additional arbitrators they shall be appointed by the judge aforesaid upon like notice and in like manner hereinbefore provided. Such Board shall proceed in the same manner as herein provided for arbitration where only two companies are interested, and its award, or an award of a majority of the Board shall be final and conclusive upon the parties interested in such arbitration.

Section 5. In order to insure settlements in such cases which shall bind all the companies using the joint section, there shall be inserted in every contract admitting any other railway company, clauses of arbitration similar to those contained herein and such arbitration clauses shall be construed as if signed by all the railway companies using the property.

Section 6. The books and papers of both or all the parties so far as they relate to any matter submitted to arbitration, shall be open to the examination of the arbitrators.

Section 7. Each party to the arbitration shall pay an equal proportion of the fees and expenses of the arbitration, and all the fees and expenses of its own witnesses and counsel; and until the arbitrators shall make their award upon any question submitted to them the business, settlements and payments to be transacted and made under the terms of this agreement shall be continued to be transacted and made in the manner and form existing prior to the arising of such question.

Section 8. If the party shall refuse to keep and perform any award the adverse party may enforce the same by apt proceedings in any court of law or equity.

ARTICLE V.

Section 1. This agreement shall attach to and run with the railways of the respective parties during the term hereof, and shall be binding upon and inure to the benefit of any railway company hereafter owning or operating either of such railways, and the Vancouver Company may sell or assign, by way of mortgage, the rights herein granted it in connection with and as a part of its railway line, and may further sell, assign, lease, or in any other way set over the rights herein granted it to and unto the Great Northern Railway Company, its successors or assigns, or any company the capital stock of which is owned or controlled by said Great Northern Railway Company. The covenants and agreements herein contained shall extend to and be binding upon the parties hereto, their successors, assigns and lessees, in so far as said rights to assign on the part of the Vancouver Company are permitted by this paragraph.

Section 2. Nothing in this agreement contained shall limit the right of the Canadian Company to admit other companies to the use of the joint section, or any part thereof, provided such additional use shall be possible without unduly interfering with the use of the joint section by the Vancouver Company. Except as provided for in Section 5 of this Article V, the Vancouver Company shall not have the right to permit any other company to the use of the joint section, nor shall it operate thereover, under the guise of doing its own business, trains, engines and cars of any other company.

Section 3. Nothing herein contained shall be taken as creating or increasing any right in any third person to recover by way of damages or otherwise against either of the parties hereto.

Section 4. This agreement shall become effective, for a period of twenty (20) years, upon the execution thereof and its approval by the Board of Railway Commissioners for Canada, and shall be effective in perpetuity upon approval thereof by Parliament pursuant to Section 7 of this Article; provided, however, the Vancouver Company shall not be required to begin the payment of sums which it agrees by paragraphs (*a*) and (*b*) of Section 1 of Article II to pay for the joint use of the joint section until August 1, 1916, unless it begins actual use of the joint section prior to said date, in which event it shall begin the payment of all sums as required by Section 1, Article II, as of the date it begins said actual use.

Section 5. The trains, engines and cars of the Great Northern Railway Company, it successors or assigns, and of

any company or companies owned or controlled (through stock ownership or otherwise) by it, its successors or assigns and of any company or companies so owned or controlled by the Vancouver Company, its successors or assigns, shall be considered the trains, engines and cars of the Vancouver Company, and the Vancouver Company and the Great Northern Railway Company shall have the right to operate the same in their own names respectively, or in the name or names of any such companies so owned or controlled by them over the joint section under the terms of this agreement. The trains, engines and cars of the Canadian Company, its successors or assigns, and of any company or companies owned or controlled (through stock ownership or otherwise), by it, its successors or assigns, or of any company or companies owning or controlling (through stock ownership or otherwise) the Canadian Company, its successors or assigns, shall be considered the trains, engines and cars of the Canadian Company, and the Canadian Company or any company or companies so owning or controlling it shall have the right to operate the same in their own names respectively, or in the name or names of any companies so owned or controlled by them, over the joint section under the terms of this agreement.

Section 6. In case the Board of Railway Commissioners for Canada, or the Minister of Railways for the Province of British Columbia or any other lawful authority, shall make any order in respect to the joint section upon the parties hereto, or either of them, each of the parties hereto will cooperate with the other in the carrying out of such order, and each will so arrange its operation and business as to enable the other to comply with the terms of the order made.

Section 7. The Vancouver Company shall make application to the Parliament of Canada for the necessary legislation confirming and ratifying this agreement, and the Canadian Company consents that such legislation may be enacted, and hereby agrees to co-operate with the Vancouver Company in obtaining the same. The Canadian Company shall make application to the Legislative Assembly of British Columbia for the necessary legislation confirming and ratifying this agreement, and the Vancouver Company hereby consents to the enactment of such legislation and agrees to co-operate in obtaining the same. The expense in connection with such applications shall be charged to operating expenses and apportioned and paid accordingly.

Section 8. If for any reason any covenant or agreement hereinbefore contained, not material to the right of the Vancouver Company to use the joint section shall be adjudged void, such adjudication shall not affect the validity,

obligation or performance of any other covenant or agreement which is in itself valid. No controversy as to the construction or validity of any covenant or agreement shall delay the performance of any other covenant or agreement. In the event of the failure in law of any covenant or agreement herein contained, such steps shall be taken and such other agreement or agreements shall be made as shall be advised by counsel to carry into effect the purposes and intents herein expressed.

Section 9. If at any time hereafter by operation of law or judicial proceedings or otherwise, either party hereto, or any receiver, trustee under mortgage or other person for it shall have the right or option to terminate this agreement then and in such case the other party, its successors or assigns, shall also have the right to terminate it.

In witness whereof, the said Canadian Northern Pacific Railway Company and the said Vancouver, Victoria and Eastern Railway and Navigation Company have caused this instrument to be executed by their proper officers and their corporate seals to be hereunto affixed the day and year first above written.

CANADIAN NORTHERN PACIFIC RAILWAY COMPANY.
By Wm. Mackenzie,
*President.*
Attest: R. P. Ormsby,
*Secretary.*

(Seal)
In presence of:
F. H. Phippen.
M. E. Swann.

VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY.
By Ralph Budd,
*President.*
Attest: L. R. Katzenbach,
*Assistant Secretary.*
(Seal)
E. C. Lindley.
G. E. Walbert.

The Great Northern Railway Company, a corporation organized and existing under and by virtue of the laws of the State of Minnesota, for and in consideration of the covenants and agreements made in the foregoing contract by the Canadian Northern Pacific Railway Company, and for other valuable considerations to it moving, the receipt whereof is hereby acknowledged, does hereby guarantee to

the said Canadian Northern Pacific Railway Company, the performance by the Vancouver, Victoria and Eastern Railway and Navigation Company of the foregoing contract and of each and every of the conditions, covenants and agreements therein contained on the part of the said Vancouver, Victoria and Eastern Railway and Navigation Company.

In witness whereof the said Great Northern Railway Company has caused this instrument to be executed by its proper officers and its corporate seal to be hereunto affixed and attested this 6th day of November, 1915.

GREAT NORTHERN RAILWAY COMPANY.
By J. M. Gruber,
*Vice-President.*
Attest: L. E. Katzenbach,
*Secretary.*

(Seal)

In presence of:
Harry W. Kask.
G. E. Walbert.

The Canadian Northern Railway Company, a corporation organized and existing by virtue of the laws of the Dominion of Canada, for and in consideration of one dollar ($1.00) to it in hand paid and for and in consideration of the covenants and agreements made in the foregoing contract by the Vancouver, Victoria and Eastern Railway and Navigation Company, and for other valuable considerations to it moving, the receipt whereof is hereby acknowledged, does hereby guarantee to the said Vancouver, Victoria and Eastern Railway and Navigation Company, the performance by the Canadian Northern Pacific Railway Company of the foregoing contract and of each and every of the conditions, covenants and agreements therein contained on the part of the said Canadian Northern Pacific Railway Company.

In witness whereof, the said Canadian Northern Railway Company has caused this instrument to be executed by its proper officers and its corporate seal to be hereunto affixed and attested this 6th day of November, 1915.

CANADIAN NORTHERN RAILWAY COMPANY,
By Wm. Mackenzie,
*President.*
Attest: R. P. Ormsby,
*Asst. Secretary.*

(Seal)

In the presence of:
F. H. Phippen.
M. E. Swann.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 16.

An Act to confirm certain agreements made between The Vancouver, Victoria and Eastern Railway and Navigation Company and The Canadian Northern Pacific Railway Company.

First reading, January 31, 1917.

MR. STEVENS.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 17.

An Act respecting The Western Dominion Railway Company.

WHEREAS The Western Dominion 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:— 1912, c. 168; 1914, c. 115; 1915, c. 60.

Extension of time for construction of railway.

**1.** The Western Dominion Railway Company, hereinafter called "The Company," may, within two years after the passing of this Act, commence to construct the railway authorized by section eight of chapter one hundred and sixty-eight of the statutes of 1912, namely:

"From a point on the International boundary in range twenty-three west of the fourth meridian in the province of Alberta, thence northwesterly to the town of Cardston, thence northwesterly, via the town of Pincher Creek, to a point on the Crow's Nest branch of the Canadian Pacific Railway at or near Lunbreck, thence northerly and west of the Porcupine Hills to the city of Calgary, thence northerly and west of Snake Lake, Gull Lake and Pigeon Lake to the city of Edmonton, thence in a generally northwesterly direction to Fort St. John in the province of British Columbia; with a branch line from a point on the said main line west of the town of Pincher Creek, in township six, range one, west of the fifth meridian, in a generally southwesterly direction and along the south fork of the Old Man River to the boundary of the province of British Columbia;"

Extension of time for construction of branch lines.

and the branch lines of railway authorized by section one of chapter one hundred and fifteen of the statutes of 1914, namely:

"(*a*) From a point on the Company's line of railway in or near section fifteen (15), township ten (10),

range two (2), west of the fifth (5th) meridian, in the province of Alberta, westerly and northwesterly along the north fork of the Oldman river to the boundary between Alberta and British Columbia;

(*b*) From a point on the Company's line in or near section nineteen (19), township eighteen (18), range two (2), west of the fifth (5th) meridian, in the province of Alberta, westerly along Highwood river to the boundary between Alberta and British Columbia;

(*c*) From a point on the Company's line in or near section thirty-five (35), township nineteen (19), range three (3), west of the fifth (5th) meridian, in the province of Alberta, westerly along the south branch of Sheep river to the boundary between Alberta and British Columbia:"

and may expend fifteen per cent of its capital stock thereon (including expenditure already made), and may complete the said railways and put them in operation within five years after the passing of this Act; and if, within the said periods respectively, 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, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

Limitation.

Repeal.

**2.** Section one of chapter sixty of the statutes of 1915 is hereby repealed.

**17.**

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 17.

An Act respecting The Western Dominion Railway Company.

First reading, January 31, 1917.

(PRIVATE BILL).

MR. SMYTH.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 18.

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; 1908, c. 19; 1910, c. 50.

**1.** Section three hundred and forty-three of the *Railway Act*, chapter thirty-seven of the Revised Statutes of Canada, 1906, is amended by inserting after the words "House of Commons of Canada," in the second and third lines thereof, the words: Free travel for members of local governments and legislatures.

"and to members of the Executive Councils of the provinces of Canada, and within the provinces in which they reside, to members of the Legislative Councils and Legislative Assemblies of the provinces of Canada."

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 18.

An Act to amend the Railway Act.

First reading, January 31, 1917.

MR. MCCRANEY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 19.

An Act to authorize the raising, by way of loan, of certain sums of money for the public service. 1916, c. 3.

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 Public Service Loan Act, 1917.*

Loans authorized.

**2.** The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament by any Act heretofore passed, raise by way of loan, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money as may be required, but not to exceed in the whole the sum of one hundred million dollars, for—

(*a*) paying maturing loans and obligations of Canada;

(*b*) carrying on of public works authorized by Parliament; and

(*c*) meeting expenditures for general purposes authorized by Parliament.

Power to re-issue, sell or pledge securities.

**3.** When securities issued under this Act have been pledged as security for a loan, and the loan has been paid off and the pledge redeemed, the securities shall not be deemed to have been extinguished, but shall be deemed to be still alive, and may be re-issued and sold or pledged as if the former pledging had not taken place.

Charged to Consol. Rev. Fund.

**4.** The principal raised by way of loan under this Act and the interest thereon shall be charged upon and payable out of the Consolidated Revenue Fund.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 19.

An Act to authorize the raising, by way of loan, of certain sums of money for the public service.

First reading, February 1, 1917.

SIR THOMAS WHITE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 21.

An Act to amend the Criminal Code.

1907, cc. 7, 8, 9, 45; 1908, cc. 10, 18; 1909, c. 9; 1910, cc. 10, 11, 12, 13; 1912, cc. 18, 19; 1913, c. 13; 1914, c. 24; 1915, c. 12;

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

The prescribing by manufacturers, etc., of a price at which the goods they sell are to be resold, an offence.

**1.** The *Criminal Code*, Revised Statutes of Canada, 1906, chapter one hundred and forty-six, is amended by inserting the following section immediately after section four hundred and ninety-eight thereof:—

"**498A.** Any manufacturer, wholesale merchant, dealer, agent or commission merchant who either directly or indirectly stipulates, agrees or arranges that any goods, wares or merchandise sold or otherwise disposed of by or to him shall be sold by any purchaser thereof at a price not less than one prescribed by him, or who in any way endeavours to prescribe a price below which a purchaser shall not sell the same, shall be guilty of an offence and shall be liable, upon summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment."

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 21.

An Act to amend the Criminal Code.

First reading, February 2, 1917.

MR. KNOWLES.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 22.

An Act to amend The Canada Grain Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1912, c. 27; 1913, c. 21; 1914, c. 33; 1915, c. 10; 1916, c. 6.

**1.** *The Canada Grain Act*, chapter 27 of the statutes of 1912, is amended by inserting the following section immediately after section thirteen thereof:—

"**13A.** Subject as hereinafter provided, any claim against His Majesty arising out of the ownership and operation of such terminal elevator (referred to in the preceding section hereof) may be sued for and prosecuted by action, suit or other proceeding in any provincial court having jurisdiction for like claims between subjects. Suit.

"2. Any such action, suit or other proceeding may be commenced and prosecuted to judgment in the same manner and subject to the same rules of practice and procedure and to the same right of appeal as nearly as may be as in like cases between subjects. Procedure.

"3. The said court shall have the same jurisdiction to order or adjudge the payment of costs either by plaintiff or defendant as in like cases in the said court between subjects. Costs.

"4. In any such action, suit or proceeding, His Majesty shall not be cited as defendant, but the process shall be issued against the Board, and such process may be served upon any member of said Board, or upon the superintendent in charge of the terminal elevator in connection with the ownership or operation of which the said alleged claim is made, or upon any other person duly authorized by the Board to accept service of or to be served with process in such cases. Issue and service of process.

"5. The Board shall be entitled, by its said description, to appear and plead and to defend any such action, suit or other proceeding in the same manner and subject to Appearance and defence.

the same rules and practice and procedure as would apply in a like case to any individual cited as a defendant in the court in which the proceeding is brought.

Set-off and counter-claim.

"6. Any claim by way of set-off or counter claim which His Majesty may have against any plaintiff in any such action, suit or proceeding may be set up, pleaded and prosecuted to judgment therein by and in the name of the Board in any case in which by the rules of procedure and practice of the said court a subject, if defendant in such action, could set up, plead and prosecute a set-off or counter claim.

Recovery of judgment.

"7. If judgment is given for the Board for any sum of money either as debt, damages or costs, the Board shall by its description aforesaid be entitled to sue out execution, levy and recover the said amounts with costs in the same manner and subject to the same rules as apply in the like cases as between subjects.

Members of Board not personally liable.

"8. The Board shall not, nor shall any member thereof, by reason of anything in this Act be individually liable in person, goods, chattels, estate or otherwise in respect of any such claim, action, suit, proceeding or judgment.

Rules and principles of law.

"9. The provincial court shall in determining the liability of the Board in any such action, suit or proceeding, be governed by the same rules and principles of law, and by the same statutes (including all provincial statutes for the compensation of workmen or employees) which should be applied in like actions, suits or proceedings between subjects.

Payments of judgments against Board.

"10. The Board may pay out of any moneys appropriated for any or all terminal elevators any moneys or costs adjudged in any action, suit or other proceeding to be paid by the Board. Or, the Minister of Finance may pay out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada any moneys or costs so adjudged to be paid."

22.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to amend The Canada Grain Act.

First reading, February 2, 1917.

MR. KNOWLES.

OTTAWA

Printed by J. DE L. TACHÉ

Printer to the King's most Excellent Majesty

1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 23.

An Act to provide for further advances to the Quebec Harbour Commissioners.

1899, c. 34; 1901, c. 10; 1903, c. 48; 1905, cc. 33, 34; 1906, c. 41; 1907, c. 36; 1912, c. 44; 1913, cc. 40, 41; 1914, c. 47.

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 Quebec Harbour Advances Act, 1917*.

$1,500,000 may be advanced to Harbour Commissioners for terminal facilities.

**2.** The Governor in Council may, from time to time, advance and pay to the Corporation of the Quebec Harbour Commissioners, hereinafter called "the Corporation," such sums of money, not exceeding in the whole the sum of one million, five hundred thousand dollars, as are required to enable the Corporation to carry on the construction of such terminal facilities as are necessary to properly equip the port of Quebec.

Interest on debentures, during construction of works, to be charged to capital account.

**3.** During the period of construction of the terminal facilities mentioned in the preceding section, the interest payable on the debentures deposited with the Minister of Finance and Receiver General under the provisions of this Act in respect of such terminal facilities shall be deemed to be money required to enable the Corporation to construct the said terminal facilities, and to be part of the cost of construction thereof, and the said interest may be paid out of the sum of one million, five hundred thousand dollars, which the Governor in Council is authorized to advance under the provisions of this Act.

Time limit for construction.

**4.** For the purposes of this Act the period of construction of such terminal facilities shall terminate on such dates as the Governor in Council shall fix and determine.

Plans, etc., to be approved before work is commenced.

**5.** No such advance shall be made in respect of the construction of terminal facilities, unless such detailed plans, specifications and estimates, for the works to be performed by the Corporation and on which the money so to be advanced is to be expended, as are satisfactory to the Minister of Marine and Fisheries, have been submitted to and approved by the Governor in Council before any work on the same has been commenced.

Monthly applications for advances to be made and be accompanied by certain statements.

**6.** The Corporation shall submit to the Minister of Marine and Fisheries for approval, monthly applications for advances on account of the different items of construction of terminal facilities, accompanied by statements showing the total expenditure on these different items in detail, for the month which the advance is to cover and any other statements required in such form as the Minister shall direct; and upon approval of the application, authority for the payment of the amount so applied for may be granted by the Governor in Council.

Debentures to be deposited with Minister of Finance.

**7.** The Corporation shall, upon any advance being made, deposit with the Minister of Finance and Receiver General, debentures of the Corporation equal in par value to the advance so made, (which debentures the Corporation is hereby authorized to issue), and such debentures so issued shall be of such amounts as the Minister of Finance and Receiver General determines, and shall bear date of the day when such advance is made, and shall be repayable within twenty-five years from the date of their issue, and in the meantime shall bear interest at the rate of three and one-half per cent per annum, such interest to be payable half-yearly, on the first day of July and the first day of January in each year.

Payment of loan.

**8.** The principal and interest of the sums advanced to the Corporation under the authority of this Act shall be payable by the Corporation out of all its property, assets, tolls, rates, dues, penalties and other sources of revenue and income whatsoever, and shall rank as a charge thereon next after, and have precedence in regard to payment next after, the principal and interest of all debentures or bonds heretofore issued by the Corporation to the public and amounting to the sum of one million, one hundred and fifty thousand dollars, such debentures or bonds having been issued under the provisions of chapter forty-eight of the statutes of 1898, chapter thirty-four of the statutes of 1899, and chapter thirty-six of the statutes of 1907.

1898, c. 48; 1899, c. 34; 1907, c. 36.

**23.**

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 23.

An Act to provide for further advances to the Quebec Harbour Commissioners.

First reading, February 3, 1917.

MR. HAZEN.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 24.

An Act for granting to His Majesty aid for Military and Naval defence.

WHEREAS a state of war exists between His Majesty and the German Emperor, the Emperor of Austria, King of Hungary, the Sultan of Turkey, and the King of the Bulgarians; and whereas it is necessary that measures be taken for the common defence and security, and to this end it is expedient that aid as hereinafter provided be rendered to His Majesty: 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 War Appropriation Act, 1917*.

Payment of five hundred million dollars may be made.

**2.** From and out of the Consolidated Revenue Fund there may be paid and applied beyond the ordinary grants of Parliament a sum not exceeding five hundred million dollars towards defraying any expenses that may be incurred by or under the authority of the Governor in Council during the year ending the thirty-first day of March, 1918, for—

Purposes.

(*a*) the defence and security of Canada;

(*b*) the conduct of naval and military operations in or beyond Canada;

(*c*) promoting the continuance of trade, industry, and business communications, whether by means of insurance or indemnity against war risk or otherwise;

(*d*) the carrying out of any measures deemed necessary or advisable by the Governor in Council in consequence of the existence of a state of war; and

(*e*) payments made for the said purposes during the fiscal year ending the thirty-first day of March, nineteen hundred and seventeen, in excess of the amount authorized by *The War Appropriation Act, 1916*.

Regulations.

**3.** The Governor in Council, in addition to any regulations deemed necessary to give effect to the provisions of this Act, shall make all such regulations as to the rates of pay and allowances of officers and men payable out of the moneys provided under this Act as may by the Governor in Council be deemed proper.

Loan authorized.

**4.** 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, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money as are required for the purpose of making any payment authorized by this Act, and the sums so raised shall form part of the Consolidated Revenue Fund of Canada.

Power to re-issue, sell or pledge securities.

**5.** When securities issued under this Act have been pledged as security for a loan, and the loan has been paid off and the pledge redeemed, the securities shall not be deemed to have been extinguished, but shall be deemed to be still alive, and may be re-issued and sold or pledged as if the former pledging had not taken place.

Charged to Con. Rev. Fund.

**6.** The principal raised by way of loan under this Act and the interest thereon, shall be charged upon and payable out of the Consolidated Revenue Fund.

24.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act for granting to His Majesty aid for Military and Naval Defence.

First reading, February 5, 1917.

SIR ROBERT BORDEN.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 25.

An Act to incorporate the British American Telephone and Telegraph 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:—

Incorporation.

**1.** Joseph Ambrose Dawson, merchant, and Edward Francis Casey, merchant, both of the city of Montreal, in the province of Quebec, and Charles Francis Hannington, engineer, of the city of Ottawa, in the province of Ontario, together with such persons as shall become shareholders in the company are incorporated under the name of the "British American Telephone and Telegraph Company," hereinafter called "the Company."

Name.

Provisional directors.

Quorum and powers.

**2.** The persons named in section one of this Act shall be the first or provisional directors of the Company, a majority of whom shall be a quorum; and they may forthwith open stock books and procure subscriptions for shares and receive payments on account of shares, and may make calls upon the subscribers and may call the first general meeting of the shareholders and may carry on the business of the Company.

Capital stock.

**3.** The capital stock of the Company shall be ten million dollars divided into shares of one hundred dollars each and may be issued in whole or in part, and may be called up from time to time and in such manner as the directors determine, but no one call shall exceed ten per cent on the shares subscribed, and there shall be an interval of at least thirty days between calls.

Election of directors.

**4.** So soon as fifty thousand dollars of the capital stock has been subscribed and fully paid up, the provisional directors shall call a meeting of the shareholders for the election of directors, and for the transaction of such other business as may be transacted at an annual meeting of the Company.

Notice.

2. Notice of such meeting shall be sufficiently given by mailing the notice, by registered letter, at least ten days previous to the date of such meeting, to the last known post office address of each shareholder.

Number of directors.

**5.** The number of the directors shall be not less than three nor more than nine, one or more of whom may be paid directors and a majority of whom shall be a quorum.

Head office.

**6.** The head office of the Company shall be at the city of Ottawa, in the province of Ontario, or at such other place in Canada as may be hereafter determined upon by the directors of the Company.

Powers.

**7.** Subject to the provisions of the *Navigable Waters Protection Act*, and of sections two hundred and forty-seven and two hundred and forty-eight of the *Railway Act*, and of *The Radiotelegraph Act*, chapter forty-three of the statutes of 1913, and to any amendments hereafter made to such Acts, and to any regulations made under any of the said Acts or any such amendment, the Company may,—

Telegraph and telephone lines.

(*a*) construct, purchase, lease or otherwise acquire, maintain, repair and operate lines of electric, telegraph and telephone over or under land or under water or both between any places or anywhere in Canada east of the province of Manitoba;

Extensions of lines.

(*b*) construct, purchase, lease or otherwise acquire, maintain, repair and operate extensions of lines hereby authorized to any places or anywhere outside of Canada, either over or under land or under water or both;

Wireless telegraphy.

(*c*) construct, purchase, lease or otherwise acquire, maintain, repair and operate stations for the transmission of messages by wireless telegraphy between places in Canada east of the province of Manitoba, or elsewhere;

Towers, poles, appliances, structures, materials, etc.

(*d*) construct, manufacture, purchase, lease or otherwise acquire, lay, erect, maintain, repair, use and operate all such towers, cables, wires, poles, manholes, conduits, works, structures, buildings, plants, instruments, switch-boards, machinery, apparatus, appliances, implements, materials and supplies as may be necessary for the purposes of the Company's undertaking or as may

appertain to its business, and dispose of the same in whole or in part; Vessels, etc.

(*e*) for the purposes of the Company's undertaking, construct, purchase, lease or otherwise acquire, charter, maintain and operate steamships and other vessels either within or without the Dominion of Canada, for the laying, maintenance and operation of submarine and sub-aqueous cables;

(*f*) acquire and use any privilege granted by any federal, provincial or municipal authority and acquire, use and dispose of any invention, letters patent of invention, or the right to use any inventions in any way connected with or appertaining to its business; Letters, patent.

(*g*) enter into any contracts or arrangements with any federal, provincial or municipal authority or any person or company for any purpose or work in the Company's interest, or that may seem conducive or incidental to the Company's objects and to obtain from or give to any such federal, provincial or municipal authority, person or company, any rights, privileges and concessions which the Company may think it desirable to obtain or to give, and to carry out, exercise and comply with any such contract or arrangements; Agreements with federal, and other authorities.

(*h*) upon such security as it may deem necessary, advance money to any corporation, company or person, to build or operate any telephone system or systems; Advancing of money.

(*i*) as contractors for any other corporation, company or person, do anything as contractors which it might do for its own purposes; Contractors.

(*j*) invest and deal with any of the moneys (including moneys held by the Company to the credit of any of its sinking funds) of the Company not immediately required for the purposes thereof, upon such securities as trustees may by law invest in, and in such manner as they may think fit, and from time to time vary or realize such investments; and, Investments.

(*k*) establish offices for the transmission and reception of messages and may transmit messages for the public and charge tolls and rates therefor; but no toll or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which Board may also revise such tolls and charges. Telegraph offices.

2. Part I of chapter sixty-one of the statutes of 1908, and the provisions of the *Railway Act*, and any Acts amending the same relating to telephones and telegraphs and telephone and telegraph systems or lines, and *The Radiotelegraph Act*, shall apply to the Company. Telephones and telegraphs.

Borrowing powers.

**8.** If authorized by by-law, sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the Company represented at a general meeting duly called for considering the by-law the directors may from time to time,—

(*a*) borrow money upon the credit of the Company;

(*b*) limit or increase the amount to be borrowed;

(*c*) issue bonds, debentures, debenture stock or other securities of the Company for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient: Provided that such bonds, debentures or other securities may be for sums not less than twenty pounds sterling, five hundred francs, or four hundred marks, or for sums not less than the nearest equivalent in round figures of other money to one hundred dollars in Canadian currency;

(*d*) hypothecate, mortgage or pledge the real or personal property of the Company, or both, to secure any such bonds, debentures, debenture stock or other securities and any money borrowed for the purposes of the Company.

Bills and notes.

2. Nothing in this section contained shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Company.

Securities as first preferential claim.

3. The bonds, debenture stock, debentures or other securities hereby authorized to be issued shall be taken and considered to be a first preferential claim and charge upon the Company and the undertaking, franchises, uncalled capital, tolls, incomes, rents, revenues and real and personal property thereof at any time acquired and all its property and assets whatsoever and wheresoever both present and future.

Disposal of undertaking.

**9.** The Company shall have power to sell and dispose of the undertaking of the Company and its rights and properties for such consideration as the Company may think fit; Provided that no such sale or disposal shall be made until it is approved by a meeting of ordinary shareholders duly called for that purpose, at which meeting two-thirds in value of the issued ordinary shares are represented by ordinary shareholders in person or by proxy, and provided further that no such sale or disposal shall take effect until it has been submitted to and approved of by the Board of Railway Commissioners for Canada.

Powers as to approval of ordinary shareholders.

Acquisition of business of other companies.

**10.** The Company shall have power to purchase, take over, lease, amalgamate with or otherwise acquire from any other company or companies having objects in whole or

in part similar to the objects of the Company all or any part of the property, real or personal, undertaking, business, powers, contracts, privileges and rights of any such company or companies that may have been conferred upon any such company or companies by charter, acts of incorporation, by-laws or contracts; conditional upon the assumption by the Company of the duties, obligations and liabilities of such other company with respect to the business rights and property so acquired as are not performed or discharged by such other company: Provided that no agreement therefor shall take effect until it has been submitted to and approved of by the Board of Railway Commissioners for Canada. And the Company shall have power to allot and issue to such company or companies or to the shareholders thereof or any one or more of them, shares in the capital stock of the Company in payments in whole or in part of the said property, real and personal, undertaking, business, rights, contracts, powers and privileges of such company or companies, and to so allot and issue such shares as fully paid up or as partly paid up as shall be agreed upon between the company and such company or companies, or any one or more of them.

Shares in payment.

**11.** Sections three hundred and sixty-one, three hundred and sixty-two, and three hundred and sixty-three of the *Railway Act* shall apply to the Company and to any company with which it may hereafter enter into any agreement for any of the purposes mentioned in section nine or section ten of this Act in all respects as if the said sections three hundred and sixty one, three hundred and sixty-two and three hundred and sixty-three of the *Railway Act* applied to the said companies.

Sale, lease or amalgamation with other companies.

**12.** In any case where a telephone system or line is owned or operated in the Dominion of Canada or adjacent thereto, by any person, corporation, or municipality, or by any province or territory of Canada, or by any state of the Union of the United States of America, the Company may, subject to the provisions of the *Railway Act*, enter into and carry out agreements or arrangements with such person, corporation, municipality, province, territory, or state for the purpose of connecting the Company's telephone system or lines with the telephone system or line of such person, corporation, municipality, province, territory or state.

Agreements for connecting lines of Company with other lines.

**13.** Subject to the provisions of section seven of this Act the Company may construct, install, erect, and maintain, above or below ground or water, or both or either,

Telephone lines upon highways, etc.

its line or lines of telephone along the sides of and across or under any public highways, streets, bridges, watercourses, or other such places, or across or under any water whether navigable or not either wholly in Canada, or dividing Canada from any other country, but the Company shall not break up or open any part or parts of any highway, not being within a municipality, without first having obtained the consent of the Minister of Lands of the Province for the time being.

Consent of Provincial Minister of Lands.

Lines passing through woods.

**14.** The Company, when the said line or lines shall pass through any wood, may cut down the trees or underwood for a space of one hundred feet on each side of such line or lines, doing as little damage as may be in the exercise of the powers to them hereby granted: Provided always that the Company shall make compensation whenever required so to do to the owners, proprietors of or persons interested in the lands so entered upon by the Company for all damage by them sustained from the exercise of the power granted by this section.

Compensation.

Preservation of trees.

2. The Company shall not, however, cut down any ornamental or fruit trees or any trees planted or preserved as a protection to any building, orchard or cultivated ground, or any trees in any city, town or village or in any garden, park, pleasure grounds, churchyard or cemetery.

Arbitration in case of disagreement.

3. In case of disagreement arising between the Company and any owner or occupier of the lands upon which the Company may have cut down trees in respect of any damages done the same, the Company and each owner or occupier shall each choose an arbitrator, which two arbitrators shall choose a third and the decision on the matter in difference of any two of them in writing shall be final; and if the said owner or occupier or the Company neglects or refuses to choose any arbitrator within four days after notice in writing, and upon proof of personal service of such notice, or, if such two arbitrators when duly chosen disagree in the choice of a third arbitrator, in any such case the Minister of Railways may nominate any such arbitrator or third arbitrator, as the case may be, who shall possess the same power as if chosen in the mannner above provided.

When third arbitrator named by Minister.

As to agreements with other companies.

**15.** It shall be lawful for the Company, for such consideration as may be agreed upon, to enter into and carry out to completion, any agreement in the nature of assuming the payment of or guaranteeing the payment of principal and interest, or either, on bonds, debenture stock or debentures, issued or to be issued, or assuming the obligations of, or guaranteeing the carrying out of, any obligation, or any part thereof, created by any person or company selling,

leasing, or conveying to the Company under the above powers, such agreement to be approved of by the holders of a majority in value of the shares of the Company who are present or represented by written proxy at any special meeting to be called for the purpose, in accordance with the by-laws of the Company; and every such agreement when so approved shall be valid and binding according to the terms and tenor thereof.

Rates and tolls.

**16.** The Company shall have power to charge, sue for, recover and collect rates, rentals and tolls for the use of and charges by the system or systems purchased, taken over, leased, amalgamated with or otherwise acquired, not exceeding those authorized to be charged or enforced immediately before the purchase taking over, leasing, amalgamating with, or otherwise acquiring the said system or systems, but not exceeding in any case a period of four months, until rates, rentals and tolls are approved of by the Board of Railway Commissioners for Canada, and thereafter the Company shall charge and may sue for, recover and collect such rates, rentals and tolls as may be approved of by the said Board.

Approval of Railway Commission.

Cutting off service in case of non-payment.

**17.** If any person, firm or corporation supplied by the Company with any telephonic, telegraphic or electric instrument or service, neglects to pay the rent or charge due or payable to the Company, at any time when the same or any portion thereof, shall become due, the Company, or any person acting under its authority, on giving three days' previous notice, may stop the said service by cutting off the service wires or conductors, or by such other means as the Company or its duly authorized officer may see fit and may recover the rent, rate or charge, or the ratable proportion thereof, due, owing, payable or accruing up to such time in any competent court, notwithstanding any contract to furnish for a longer time.

Provisions *re* calls on stock and limited liability not to apply.

**18.** Sections one hundred and forty-one and one hundred and sixty-five of the *Companies Act* shall not apply to the Company, and it shall not be necessary that the directors of the Company shall be resident in Canada or subjects of His Majesty; provided however, there shall be at all times at least three directors who shall be residents of Canada.

Residents of Canada.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 25.

An Act to incorporate the British American Telephone and Telegraph Company.

First reading, February 7, 1917.

(PRIVATE BILL.)

Mr. JAMESON.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 26.

## An Act respecting The Calgary and Fernie Railway Company.

WHEREAS The Calgary and Fernie Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1906, c. 71; 1908, c. 89; 1910, c. 77; 1912, cc. 48, 72; 1913, c. 46; 1914, c. 75; 1915, c. 35.

**1.** The Calgary and Fernie Railway Company, hereinafter called "the Company," may commence the construction of its railway from Calgary, in the province of Alberta, through the Kananaskis Pass to the head waters of the Elk river, in the province of British Columbia, thence following the valley of the Elk river to the city of Fernie in the said province of British Columbia, as authorized by section seven of chapter seventy-one of the statutes of 1906, and expend, including expenditure heretofore made, 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, within the said periods respectively, the said railway is not so commenced and such expenditure is not so made or if the said railway is not completed and put in operation, 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. Extension of time for construction. Limitation.

**2.** Section one of chapter thirty-five of the statutes of 1915 is repealed. Repeal.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 26.

An Act respecting The Calgary and Fernie Railway Company.

First reading, February 7, 1917.

(PRIVATE BILL.)

MR. TURRIFF.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 27.

An Act to amend An Act to incorporate The Canadian General Council of The Boy Scouts Association.

WHEREAS The Canadian General Council of The Boy Scouts Association has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1914, c. 130.

**1.** Chapter one hundred and thirty of the statutes of 1914, *An Act to incorporate The Canadian General Council of The Boy Scouts Association*, is amended by adding thereto the following section:— Acte of incorporation 1914, c. 130, amended.

"**10.** The Corporation shall have the sole and exclusive right to have and to use all emblems, badges and decorations, descriptive or designating marks and titles, now or heretofore used by The Boy Scouts Association, and also the title "Boy Scouts," and shall also have the sole and exclusive right to have and to use any emblem, badge, decoration, descriptive or designating marks and titles hereafter adopted by the Corporation for carrying out its purposes, provided that a statement and description of such emblem, badge, decoration, descriptive or designating mark, words or phrases is filed with and approved by the Minister of Agriculture or other Minister administering the *Trade Mark and Design Act*." Corporation to have exclusive right to titles, badges, etc., now in use. How exclusive right to badges, etc., may be obtained in future.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 27.

An Act to amend An Act to incorporate The Canadian General Council of The Boy Scouts Association.

First reading, February 7, 1917.

(PRIVATE BILL.)

Mr. BENNETT
(Calgary).

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 28.

An Act respecting The Canadian Northern Quebec Railway Company.

WHEREAS The Canadian Northern Quebec 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:— 1911, c. 58 1913, c. 93. 1915, c. 38.

**1.** The Canadian Northern Quebec Railway Company, hereinafter called "the Company," may commence and construct the line of railway authorized by paragraph (*b*) of section two of chapter fifty-eight of the statutes of 1911, namely:— Extension of time for construction.

From a point at or near St. Jerome to a point at or near St. Eustache.

**2.** If the said line is not commenced within two years and is not completed and put in operation within five years from the passing of this Act, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects such part of the said line of railway as then remains uncompleted. Limitation.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 28.

An Act respecting The Canadian Northern Quebec Railway Company.

First reading, February 7, 1917.

(PRIVATE BILL.)

MR. RAINVILLE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 29.

An Act to amend the Act incorporating The Canadian Surety Company.

WHEREAS The Canadian Surety 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:— 1911, c. 60.

**1.** Section six of chapter sixty of the statutes of 1911 is hereby amended by adding thereto the following— Additional businesses authorized.

(*d*) Automobile insurance,
(*e*) Accident insurance,
(*f*) Sickness insurance,
(*g*) Fire insurance.

**2.** Section seven of the said Act is repealed and the following section is substituted therefor:— Commencement of business.

"**7.** The Company may commence the business of guarantee, automobile, plate glass, and burglary insurance when two hundred and twenty-five thousand dollars of capital stock have been subscribed and paid. Guarantee, automobile, etc., insurance

2. The Company shall not commence the business of accident and sickness insurance in addition to the classes of insurance mentioned in subsection one hereof until its subscribed and paid-up capital stock has been increased to three hundred thousand dollars. Accident and sickness insurance.

3. The Company shall not commence the business of fire insurance in addition to the classes of insurance mentioned in subsection one hereof until its subscribed capital stock has been increased to four hundred and twenty-five thousand dollars and three hundred and twenty-five thousand dollars have been paid thereon. Fire insurance.

4. The Company shall not commence the business of all the classes authorized by this Act until five hundred thousand dollars of its capital stock have been subscribed All classes.

and at least four hundred and twenty-five thousand dollars have been paid thereon.

Additional amount for fire insurance.

5. In the event of a license being issued to the Company for fire insurance, a further sum of seventy-five thousand dollars shall be paid upon its capital stock within five years by payments amounting in any one year to not less than fifteen thousand dollars, or such that taken together with previous payments under this paragraph would amount to not less than an annual payment of fifteen thousand dollars."

29.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 29.

An Act to amend the Act incorporating The Canadian Surety Company.

First reading, February 7, 1917.

(PRIVATE BILL.)

MR. MACDONELL.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 30.

An Act respecting The Canadian Western Railway Company.

WHEREAS The Canadian 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:— 1909, c. 69; 1911, c. 61; 1913, c. 98; 1915, c. 40.

**1.** The Canadian Western Railway Company, hereinafter called "the Company," may commence the construction of its railway authorized by section seven of chapter sixty-nine of the statutes of 1909, as amended by section two of chapter ninety-eight of the statutes of 1913, namely: Extension of time for construction.

"(*a*) From a point on the international boundary at or near the town of Coutts, in the province of Alberta, thence in a northerly and westerly direction to the town of Cardston; thence in a northwesterly direction through the town of Pincher Creek, to a point on the Crow's Nest Pass line of the Canadian Pacific Railway Company between Pincher and Cowley, thence northwesterly following the valley of the north fork of the Old Man River to a point near the southerly end of the Livingstone range of mountains, thence northeasterly by the most practicable route to the city of Calgary;

"(*b*) From a point at or near the Livingstone range of mountains, 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,"

and expend, including expenditure heretofore made, 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, within the said periods respectively, the said railway is not so commenced and such expenditure is not so made or if the said railway is not completed and put in operation, 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.

Limitation.

Repeal.

**2.** Section one of chapter forty of the statutes of 1915 is repealed.

30.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 30.

An Act respecting The Canadian Western Railway Company.

First reading, February 7, 1917.

(PRIVATE BILL.)

MR. TURRIFF.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 31.

An Act respecting The Cariboo, Barkerville and Willow River Railway Company.

WHEREAS The Cariboo, Barkerville and Willow River Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1911, c. 64; 1912, c. 48; 1913, c. 99.

**1.** The Cariboo, Barkerville and Willow River Railway Company, hereinafter called "the Company", may, within two years after the passing of this Act, commence the construction of its railway authorized by chapter sixty-two of the statutes of British Columbia, 1910, which railway was declared, by section one of chapter sixty-four of the statutes of 1911, to be a work for the general advantage of Canada, namely:— Extension of time for construction of railway.

"From a point on the Grand Trunk Pacific Railway Company's line of railway at or near Eagle Lake; thence following as nearly as may be the watershed of the Willow River to a point on the Cariboo Road at or near the town of Barkerville, in the Province of British Columbia";

and the extensions or branch lines authorized by chapter ninety-nine of the statutes of 1913, namely:—

"(*a*) From a point at the southern end of the Company's line at or near the town of Barkerville, thence by the most feasible route in a southeasterly direction, following the general direction or valley of Williams creek and Pleasant valley, to a point at or near Cunningham creek; thence southerly and southwesterly following the general direction or valleys of Cunningham creek, Swamp river, Cariboo lake, and the north fork of Quesnel river, to a point at or near Quesnel forks; thence southerly by the most feasible route following the general direction or valley of the south fork of the Quesnel river Extension of time for construction of branch lines.

and the west shore of Quesnel lake, to a point at or near the mouth of Horse Fly river; thence southeasterly and following the general direction or valley of the Horse Fly river, to a point near its source; thence southeasterly to a point at or near Clear Water river; thence southerly following the general direction or valley of the Clear Water river to a point at or near its junction with the North Thompson river; and,

"(*b*)) From a point on the main line of the Company's railway, situate about seventeen miles or thereabouts from its northern terminus, and thence in an easterly direction by the most feasible route to a point at or near Bear river, a distance not exceeding twenty miles";

and expend fifteen per cent of the amount of its capital stock thereon, and may, within five years after the passing of this Act, complete the said railway extensions and branch lines and put them in operation; and if, within the said periods respectively, the said railway, extensions and branch lines are not so commenced and such expenditure is not so made, or if the said railway extensions and branch lines are not so completed and put in operation, 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 extensions and branch lines as then remains uncompleted.

Limitation.

Repeal.

**2.** Section three of chapter ninety-nine of the statutes of 1911 is hereby repealed.

Capital stock increased.

**3.** The capital stock of the Company shall be ten million dollars.

31.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 31.

An Act respecting The Cariboo, Barkerville and Willow River Railway Company.

First reading, February 7, 1917.

(PRIVATE BILL.)

MR. STEVENS.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 32.

An Act to incorporate The Cascade Scenic 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:—

Incorporation.

**1.** Thomas Russ Deacon, Hugh B. Lyall, Edgar J. Burleigh, John A. McCullough and Edward Anderson, all of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Cascade Scenic Railway Company," hereinafter called "the Company."

Name.

Provisional directors.

**2.** The persons named in section one 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 therefor, 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 purpose 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 Winnipeg, in the province of Manitoba.

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.

Acquisition of certain rights and privileges authorized.

**5.** The Company may acquire by purchase or otherwise the privileges and rights granted to Thomas R. Deacon of the city of Winnipeg, in the province of Manitoba, under the terms of an order in council dated the twenty-seventh day of February, 1915, whereby the Minister of the Interior of Canada was authorized to issue to the said Thomas R. Deacon a conditional license of occupation for the right of way, station grounds and rest houses in connection with the construction and operation of an incline railway up the face of the Cascade Mountains near Banff in the Rocky Mountains Park, in the province of Alberta.

Objects.

**6.** The object and purposes of the Company shall be:—

Scenic and funicular railways.

(*a*) To construct, acquire, own and operate scenic or funicular railways at Banff, in the province of Alberta, or elsewhere throughout Canada, upon property owned, leased or controlled by license or otherwise by the Company, for vehicles to run either on rails or by aerial cable, or in such other manner as may be desired, such vehicles being propelled either by steam, electricity, gasolene, water-power or by such other means as may be deemed most convenient and expedient, together with stations, telegraph and telephone poles for use only in the operation of said scenic or funicular railway or railways;

Passengers

(*b*) To carry passengers, animals, baggage, parcels and personal effects on such scenic or funicular railway or railways for a monetary consideration;

Resting places, etc.

Refreshments souvenirs, etc.

(*c*) To construct, acquire, own and operate places of rest and recreation, shelter and accommodation, including the right to supply food and refreshments, photo cards, souvenirs and curios, and any article or articles in connection therewith, and to make monetary charges therefor;

Moving pictures, etc

(*d*) To furnish entertainment by means of moving pictures, gramophones, singing and talking machines, singing slides and stereopticon views, plays and acts, entertainments of every kind and description, and to conduct places of entertainment and amusement for a monetary consideration;

Buildings.

(*e*) To acquire, construct, maintain, alter or otherwise deal with any buildings or works for the purposes of the Company;

Land.

(*f*) To acquire, hold, sell, pledge, mortgage or otherwise deal with land, or with the purchase and sale thereof, or any interest therein, for the purposes of the Company.

**7.** The Company may for the purposes of its undertaking:— Powers.

(*a*) purchase, hold, assign, sell, transfer, mortgage or otherwise deal in shares of capital stock issued by any other corporation or corporations having objects altogether or in part similar to those of the Company; Shares in other companies.

(*b*) amalgamate with companies or secure controlling interest in companies having objects altogether or in part similar to those of the Company; Amalgamation with other companies.

(*c*) enter into any arrangement for the share of the profits, union of interest, co-operation, joint adventure, reciprocal concession, or otherwise, with any person or company as authorized so as to directly or indirectly benefit the Company; Arrangements with other companies.

(*d*) distribute in specie, or otherwise, as may be resolved, assets of the Company, among its members, and particularly the shares, bonds, debentures and securities of any other company formed to take over the whole or any part of the assets or liabilities of the Company; Distribution of securities of other companies.

(*e*) apply dividends in payment of calls upon stock or pay dividends by means of shares of the capital stock of the Company; Dividends.

(*f*) make, draw, accept, endorse, discount, execute and issue promissory notes and bills of exchange, or other negotiable or transferable instruments; Bills and notes.

(*g*) issue stock of the Company at a premium or discount; Stock issue.

(*h*) enter into any arrangement with any municipal or local authorities that may seem conducive to the Company's objects, or any of them, and obtain from any such authority any rights, privileges and concessions which the Company may think are desirable to obtain, and carry out, exercise and comply with any such arrangements, rights, privileges and concessions; Agreements with municipal authorities.

(*i*) acquire or undertake the whole or any part of the business, property and liabilities of any person or company carrying on any business which the Company is authorized to carry on or possessed of property suitable for the purpose of the Company; Acquisition of business of other companies.

(*j*) apply for, purchase or otherwise acquire, any patents, licenses, concessions and the like, conferring any exclusive or non-exclusive, or limited rights to use, or any secret or other information as to any intention which may seem capable of being used for any of the purposes of the Company, or the acquisition of which may seem calculated directly or indirectly to benefit the Company, and use, exercise, develop or grant licenses in respect of, or otherwise turn to account, the property, rights or information so acquired; Letters patent, etc.

Disposal of undertaking.

(*k*) sell, lease or dispose of the 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;

General.

(*l*) do all such other things as are incidental or conducive to the attainments of the objects or purposes of the Company.

Borrowing powers.

**8.** If authorized by by-law, sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the Company represented at a general meeting duly called for considering the by-law, the directors may from time to time,—

(*a*) borrow money upon the credit of the Company;

(*b*) limit or increase the amount to be borrowed;

(*c*) issue bonds, debentures or other securities of the Company for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient;

(*d*) hypothecate, mortgage, or pledge the real or personal property of the Company, or both, to secure any such bonds, debentures or other securities, and any money borrowed for the purposes of the Company;

Limitation.

Provided that such bonds, debentures or other securities may be for sums not less than twenty pounds sterling, five hundred francs, or four hundred marks, or for sums not less than the nearest equivalent in round figures of other money to one hundred dollars in Canadian currency.

Bills and notes.

2. Nothing in this section contained shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Company.

R.S., c. 37 not to apply.

**9.** The *Railway Act* shall not apply to the Company.

R.S., c. 79 to apply.

**10.** Part II of the *Companies Act*, except subsection one of section one hundred and twenty-one thereof, shall, so far as applicable and not varied by this Act, apply to the Company.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 32.

An Act to incorporate The Cascade Scenic Railway Company.

First reading, February 7, 1917.

(PRIVATE BILL.)

MR. MORPHY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 33.

An Act respecting The Grand Trunk Pacific Branch Lines Company.

WHEREAS The Grand Trunk Pacific Branch Lines 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:— 1906, c. 99; 1908, c. 115; 1909, c. 86; 1910, c. 103; 1911, c. 83; 1913, c. 122.

**1.** This Act may be cited as *The Grand Trunk Pacific Branch Lines Act, 1917.* Short title.

**2.** The Grand Trunk Pacific Branch Lines Company, hereinafter called "the Company," may within five years after the passing of this Act complete and put in operation the following lines of railway, all of which have been partly constructed, namely:— Extension of time for completion of certain authorized railways.

(*a*) The lines of railway authorized by paragraphs ten and twelve of section eleven of chapter ninety-nine of the statutes of 1906, and therein described as follows:—

"10. From a point on the western division of the Grand Trunk Pacific Railway in the vicinity of township 22, range 6, west of the 2nd meridian, to Yorkton, and thence to the shores of Hudson Bay in the vicinity of Fort Churchill.

"12. From a point on the western division of the Grand Trunk Pacific Railway between the 105th and 107th degrees of longitude to Prince Albert."

(*b*) The lines of railway authorized by section eleven of chapter ninety-nine of the statutes of 1906, as amended by section one of chapter one hundred and three of the statutes of 1910, and described in paragraphs twenty-three, twenty-four and twenty-five of section one of said last mentioned Act, as follows:—

"23. From a point on the western division of the Grand Trunk Pacific Railway between the east limit of range 11 and the west limit of range 16, west of the third meridian, thence in a southwesterly and westerly direction to a point in the vicinity of Calgary, or to a point on the line which the Company is authorized by paragraph 14 to construct to Calgary.

24. From a point on the proposed line mentioned in paragraph 23 between the east limit of range 20 and the west limit of range 28, west of the third meridian, thence in an easterly and southeasterly direction to a point on the Company's authorized line at or near Moose Jaw, or to a point in the vicinity thereof.

25. From a point within or near townships 41, 42 or 43 on the line which the Company is authorized under paragraph 13 to construct to Battleford, thence in a generally northwesterly and westerly direction to a point on the western division of the Grand Trunk Pacific Railway between Artland and Wainwright."

Limitation.

**3.** Unless the said lines of railway are completed and put in operation within the said period of five years the Company's powers to construct said lines of railway shall cease and be null and void as respects so much of the said lines of railway as then remains uncompleted.

33.

7th Session, 12th Parliament, 7 George V., 1917.

THE HOUSE OF COMMONS OF CANADA.

BILL 33.

An Act respecting The Grand Trunk Pacific Branch Lines Company.

First reading, February 7, 1917.

(PRIVATE BILL.)

MR. CURRIE.

OTTAWA

Printed by J DE L. TACHÉ

Printer to the King's most Excellent Majesty.

1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 34.

An Act respecting The Interprovincial and James Bay Railway Company.

WHEREAS The Interprovincial and James Bay Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1901, c. 66; 1903, c. 134; 1905, c. 109; 1912, c. 106.

Extension of time for construction.

**1.** The Interprovincial and James Bay Railway Company, hereinafter called "the Company," may continue the construction of the line of railway authorized by section eight of chapter sixty-six of the statutes of 1901, namely:—

From a point on the Canadian Pacific Railway at or near Lumsden's Mill to or towards the Des Quinze River;

and may, within two years after the passing of this Act, expend thereon (including expenditure already made) an amount equal to fifteen per cent of its capital stock; and may, within five years after the passing of this Act, complete the said line of railway; and if within the said periods respectively such expenditure is not so made and such line of railway is not so completed and put in operation, 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.

Repeal.

**2.** Section two of chapter one hundred and thirty-four of the statutes of 1903, chapter one hundred and nine of the statutes of 1905 and section one of chapter one hundred and six of the statutes of 1912, are hereby repealed.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 34.

An Act respecting The Interprovincial and James Bay Railway Company.

First reading, February 7, 1917.

(PRIVATE BILL.)

MR. NORTHRUP.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 35.

## An Act respecting The Kaslo and Slocan Railway Company.

WHEREAS The Kaslo and Slocan Railway Company has by its petition represented that it was incorporated by chapter fifty-two of the statutes of 1892 of the province of British Columbia, 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:— B.C., 1892, c. 52.

**1.** The railway which the Kaslo and Slocan Railway Company, hereinafter called "the Company," is authorized to construct by chapter fifty-two of the statutes of 1892 of the province of British Columbia, Railway of company declared to be for general advantage of Canada.

"From a point in or near the town of Kaslo, at the mouth of the Kaslo river, on Kootenay lake, thence by the most feasible and available engineering route along the said Kaslo river and the north fork of the said Kaslo river, to a point at or near the Fish and Bear lakes, and from thence by the most feasible and available engineering route to some point in the immediate vicinity of the mines lying near and about Carpenter and Sandon creeks,

together with branch lines by the most feasible and available engineering routes,

(1) From a point on the main line of said railway at or near the confluence of the north and south forks or branches of said Kaslo river to the mines known as the Montezuma Camp, and,

(2) from some point on the main line of said railway at or near the mouth of Bear creek along the course of said Bear creek to some point at or near the mines lying near the head waters of Bear creek,

and south of Schroeder creek, known as Jardine's Camp,"

is declared to be a work for the general advantage of Canada.

Agreement for sale, lease or amalgamation of railway.

**2.** Subject to the provisions of sections three hundred and sixty-one, three hundred and sixty-two and three hundred and sixty-three of the *Railway Act*, the Company may, for any of the purposes specified in the said section three hundred and sixty-one, enter into an agreement with The Canadian Pacific Railway Company, and may sell, convey or lease its railway and undertaking to the said Canadian Pacific Railway Company, but the approval of the shareholders of the said Canadian Pacific Railway Company to such agreement and sale, conveyance or lease shall be sufficient if the provisions of section six of chapter forty-seven of the statutes of 1890 are complied with.

Head office.

**3.** The head office of the Company shall be at the city of Montreal, in the province of Quebec.

35.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 35.

An Act respecting The Kaslo and Slocan Railway Company.

First reading, February 7, 1917.

(PRIVATE BILL.)

MR. GREEN.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 36.

An Act respecting *La Compagnie du Chemin de Fer de Colonisation du Nord.*

WHEREAS *La Compagnie du Chemin de Fer de Colonisation du Nord* has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1899, c. 62; 1902, c. 55; 1907, c. 78; 1912, c. 82.

Extension of time for construction.

**1.** *La Compagnie du Chemin de Fer de Colonisation du Nord*, hereinafter called "the Company," may continue the construction of the line of railway authorized by section seven of chapter sixty-two of the statutes of 1899, namely:—

> From a point at or near Labelle, thence in a westerly direction to the village of Rapide de L'Orignal (now called Mont Laurier), thence in a westerly direction to a point at or near Lake Temiscamingue, in the county of Pontiac;

and shall, within two years after the passing of this Act, expend thereon (including expenditure already made) an amount equal to fifteen per cent of its capital stock; and may, within five years after the passing of this Act, complete the said line of railway; and if within the said periods respectively such expenditure is not so made, and such line of railway is not so completed and put in operation, 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.

Repeal.

**2.** Section six of chapter fifty-five of the statutes of 1902, chapter seventy-eight of the statutes of 1907, and chapter eighty-two of the statutes of 1912, are hereby repealed.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 36.

An Act respecting *La Compagnie du Chemin de Fer de Colonisation du Nord.*

First reading, February 7, 1917.

(PRIVATE BILL.)

MR. NORTHRUP.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 37.

An Act respecting The Mount Royal Tunnel and Terminal Company, Limited.

WHEREAS The Mount Royal Tunnel and Terminal Company, Limited, has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1912, c. 74; 1914, c. 78; 1916, c. 20.

Extension of time for completion.

**1.** Unless The Mount Royal Tunnel and Terminal Company, Limited, hereinafter called "the Company," completes and puts in operation within five years after the passing of this Act the works which the Company, under its former name of The Canadian Northern Montreal Tunnel and Terminal Company, Limited, was authorized to construct and operate by virtue of section two of chapter seventy-four of the statutes of 1912, the powers of construction granted to the Company by Parliament shall cease and be null and void as respects so much of the said works as then remains uncompleted.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 37.

An Act respecting The Mount Royal Tunnel and Terminal Company, Limited.

First reading, February 7, 1917.

(PRIVATE BILL.)

MR. RAINVILLE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 38.

## An Act respecting certain patents of George C. Breidert and Burton W. Mudge.

Preamble.

WHEREAS George C. Breidert and Burton W. Mudge, both of the city of Chicago, in the state of Illinois, one of the United States, have by their petition represented that under an agreement with the Auto Utilities Manufacturing Company, of the said city of Chicago, hereinafter called "the Utilities Company," the Utilities Company agreed to cause to be filed in Canada applications by the said George C. Breidert, for three several patents of inventions for ventilators which had been invented by the said George C. Breidert, and to prosecute the same and to procure proper assignments thereof from the said George C. Breidert, and granted to the said Burton W. Mudge exclusive rights for Canada under the said applications so to be filed and any letters patent which might be granted thereon; and whereas the said George C. Breidert, at the request of the Utilities Company, executed the said applications, namely, in March, 1914, and thereupon the said George C. Breidert and the said Burton W. Mudge, relying upon the said agreement and upon the representations made from time to time by the Utilities Company, assumed that the Utilities Company would in apt time cause said applications so executed to be filed and duly prosecuted, and relying thereon the said Burton W. Mudge has diligently taken steps to promote the manufacture, sale and use in Canada of ventilators embodying the said inventions; and whereas the said Burton W. Mudge and George C. Breidert, respectively, have only recently become aware that such applications were not filed and that no such applications have been filed or prosecuted by the Utilities Company or the said George C. Breidert, and when they became so aware, the time within which such applications should have been filed under the provisions of the *Patent Act* had elapsed; and whereas the said Burton W.

Mudge has now obtained formal assignments of said inventions and applications, and of any patent rights thereunder, from the said George C. Breidert, the inventor thereof, and has now filed with the Commissioner of Patents applications of the said George C. Breidert for patents for said inventions and assignments to the said Burton W. Mudge of the right to receive said patents, which applications were filed on the.....day of .....1917, and are respectively numbered ....., ....., and.....; and whereas the said George C. Breidert and Burton W. Mudge 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:—

Power to issue patents.

**1.** Notwithstanding anything to the contrary in the *Patent Act*, the Commissioner of Patents may grant and issue to Burton W. Mudge patents for the said inventions in pursuance of the said applications respectively, as if the said applications had been duly received by the Commissioner of Patents within one year from the date of the issue of the first foreign patents granted for said inventions respectively and as if the assignments from the said George C. Breidert to Burton W. Mudge had been made before the said respective dates, provided that the said patents, notwithstanding anything therein, in this Act, or in the *Patent Act* contained, shall respectively cease and determine on the expiration of nineteen years from the respective dates of issue of the first foreign patents granted in respect to said inventions, respectively.

Certain rights saved.

**2.** If any person has since the.....day of .....one thousand nine hundred and..... and prior to the.....day of.....one thousand nine hundred and seventeen, commenced the manufacture in Canada of the inventions covered by the said patents, or any of them, without any license from or agreement with the said Burton W. Mudge, his assignees or privies, then such person may continue to manufacture, sell and use such invention or inventions in as full and ample a manner as if this Act had not been passed.

38.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 38.

An Act respecting certain patents of George C. Breidert and Burton W. Mudge.

First reading, April 19, 1917.

(PRIVATE BILL.)

MR. MACDONELL.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 39.

## An Act respecting The Toronto, Hamilton and Buffalo Railway Company.

WHEREAS The Toronto, Hamilton and Buffalo 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:— 1891, c. 86; 1893, c. 62; 1895, c. 66; 1896, (1) c. 39; 1903, c. 197; 1905, c. 165; 1915, c. 57; 1916, c. 50.

**1.** The agreement made between The Toronto, Hamilton and Buffalo Railway Company and the Hamilton and Dundas Street Railway Company, dated the seventeenth day of June, one thousand eight hundred and ninety-seven, a copy of which is set forth in the Schedule to this Act, is hereby ratified and confirmed and declared to be valid and binding on the parties thereto in all respects whatsoever as fully and completely as if the said agreement and each and every clause thereof were set out at length and enacted in this Act, and the said companies, parties to the said agreement, are and each of them is hereby authorized and empowered to do whatever may be necessary to carry out and give full effect to the provisions of the said agreement. Agreement with Hamilton and Dundas Street Ry. Co., ratified.

2. The said agreement set forth in the Schedule shall, subject to the provisions thereof, be and remain in force for the period of fifty years from the fifteenth day of November, 1897. Duration of agreement.

**2.** Nothing in this Act contained shall be deemed in any way to impair or restrict the powers of the Board of Railway Commissoners for Canada, and all the provisions of the *Railway Act* now applying to the said companies, or either of them, and their respective railways and under- Powers of Railway Commissioners continued.

takings, and not inconsistent with the provisions of this Act, shall continue to apply to the same.

Extension of time for construction of branch line.

**3.** The Company may, within two years after the passing of this Act, commence the construction of the line of railway from Port Maitland to Port Colborne authorized by section eight of chapter sixty-five of the statutes of 1914, and may complete the said line of railway and put it in operation within five years after the passing of this Act; and if, within the said periods respectively, the said line of railway is not so commenced, or is not so completed and put in operation, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said line of railway as then remains uncompleted.

Extension of line authorized.

**4.** The Company may lay out, construct and operate an extension of its present railway of the gauge of four feet eight and one-half inches, from its present terminus in the township of Crowland in the county of Welland, thence through the townships of Crowland and Humberstone in the said county of Welland to some point on Lake Erie at or near the village of Port Colborne.

Limitation.

2. If the said extension is not commenced within two years and completed and put in operation within five years from the passing of this Act, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said extension as then remains uncompleted.

Traffic arrangements.

**5.** Subject to the provisions of section three hundred and sixty four of the *Railway Act*, the Company may for any of the purposes specified in the said section three hundred and sixty-four enter into agreements or arrangements with The Michigan Central Railroad Company, The Canada Southern Railway Company, and The Grand Trunk Railway Company of Canada, or with any one or more of them, and any such agreements or arrangements may be for a term exceeding twenty-one years.

Stocks.

**6.** The Company may take and hold stock in any navigation company or steamboat company.

SCHEDULE.

This Agreement made the seventeenth day of June, A.D. 1897, between The Hamilton and Dundas Street

Railway Company, hereinafter called the H. & D. Co. of the first part; and The Toronto, Hamilton & Buffalo Railway Company, hereinafter called the T. H. & B. Co. of the second part;

Whereby the parties agree as follows:—

1. The H. & D. Co. will change their route so as to make a connection between their track and the T. H. & B. Co's track at a point on the lands of one George Bamberger in the Gore of Ancaster, or at such other point as may be selected by W. T. Jennings, engineer.

2. H. & D. Co. will construct an extension of their line from the present terminus at Dundas to Fishers' Mills in the said town with sufficient sidings at or near the junction of Bond and James Streets in the said town for the produce and coal trade of the townships of Beverley and West Flamboro, and they will furnish a freight station and suitable freight sidings in a more central point in the town of Dundas, and they will also rebuild their bridges between the point of junction near Bamberger's and the town of Dundas so that all structures shall be of the Government Railway Standard, and the whole of the said track from the point of junction of the T. H. & B. Co. and Fishers' Mills shall be laid with steel rails weighing about 65 pounds to the lineal yard, and the said H. & D. Co. shall maintain within the period of this agreement the whole of the said works with all suitable turnouts and switches fit for the passage of locomotives and freight cars so that the T. H. & B. Co. and other railways connected therewith may in an efficient way receive and deliver freight from and to the town of Dundas and the junction between the H. & D. Co's track and the T. H. & B. Co's track.

3. The H. & D. Co. are to appoint an agent and to provide the necessary clerical service, office and telephone accommodation required to satisfactorily conduct the business in the said town of Dundas, subject to the approval of the T. H. & B. Co.

4. The H. & D. Co's passenger service is to have the first right of track; but the H. & D. Co. is to so arrange its passenger schedule as to give the T. H. & B. Co. all necessary time and accommodation for performing the freight service contemplated by this agreement.

5. No engine or car of the T. H. & B. Co. upon the H. & D. Co's track shall be moved at a faster rate than six miles per hour in the town of Dundas and eight miles per hour elsewhere, and the managers of the said companies shall make regulations from time to time as to the method by which the said freight service is to be conducted,

first regard being had to the absolute safety of the passenger cars of the said H. & D. Co.

6. The said T. H. & B. Co. shall pay to the said H. & D. Co. for the use of the said tracks and for the accommodation aforesaid the clear yearly sum of $2,750 by quarterly payments payable on the first days of October, January, April and July in each year, and the said T. H. & B. Co. shall also pay to the H. & D. Co. by similar quarterly payments on the said dates the sum of $1,500 per annum subject to be increased or reduced as hereinafter provided; the said last sum being estimated as the amount required for the renewal and maintenance of that part of the said track which will be exclusively used by the T. H. & B. Co. and of about 400 feet of track being the extra length of main line which the change of route aforesaid calls for and for half the amount required for the renewal and maintenance of that portion thereof which is used in common by the two companies; the said sum is also calculated to include one-half the municipal taxes, a sufficient amount to cover the repairs and taxes on the freight station, and one-half the salary of the agent and the clerical office and telephone expenses at Dundas; and one-half the special maintenance of embankments and waterways under the contract of the H. & D. Co. with the town.

7. Upon the lapse of two years after working under this agreement either party may claim that the said sum of $1,500 is too much or too little to pay for the expenditure and other matters provided for in the last paragraph, and thereupon if the parties cannot agree, the matter shall be referred to some disinterested railway engineer or manager to settle the proper amount to be paid for the above items, and at the end of each subsequent period of five years a like readjustment is to be made at the request of either of the parties hereto; and the T. H. & B. Co. may at any time undertake the renewal and maintenance of any portion of the said line which is exclusively used by them for freight purposes, in which case there shall be abated from the said sum of $1,500 or other substituted sum, the cost of such maintenance and renewal so undertaken as aforesaid by the T. H. & B. Co.

8. This agreement shall continue and be in force for a period of twenty-one years, commencing from the date when the said connection shall be completed, which date shall be endorsed hereon by W. T. Jennings, the engineer in charge of the said works, and there shall be added the further term of twenty-nine years hereto if the same is legal or is hereinafter legalized, and either party may

apply to Parliament or to the Legislature or both to ratify and confirm the same.

IN WITNESS WHEREOF the said companies have affixed their corporate seal, and have caused the signature of their proper officers to be attached.

Corporated Seal of the Hamilton & Dundas Street Railway Co.

B. B. Osler,
*President H. & D. Co.*
W. S. McBrayne,
*Secretary H. & D. Co.*

Corporate Seal of The Toronto, Hamilton & Buffalo Railway Co.
Attest,
C. F. Cox,
*Secretary.*

TORONTO, HAMILTON AND BUFFALO RAILWAY COMPANY.
By J. N. Beckley,
*President.*

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 39.

An Act respecting The Toronto, Hamilton and Buffalo Railway Company.

First reading, April 19, 1917.

(PRIVATE BILL.)

MR. STEWART
(Hamilton).

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 40.

An Act to incorporate La Société des Artisans Canadiens Français.

WHEREAS La Société des Artisans Canadiens Français, hereinafter called "the Provincial Society," has by its petition represented that it is a fraternal benefit society incorporated by chapter sixty-three of the statutes of Quebec, 1876, amended by chapter one hundred and twenty-two of the statutes of Quebec, 1903, and by chapter one hundred and four of the statutes of Quebec, 1916, for the purposes therein enumerated, 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:— Quebec, 1876, c. 63; 1903, c. 122; 1916, c. 104.

**1.** Mgr. George Marie LePailleur, Joseph A. Rouleau, Napoleon Deschamps, Louis G. Bertrand, Alcide Dalpé, Joseph Ernest Racicot, Albert Onèsime Chalifour, J. G. Adélard Filion, Henri Roy, and A. Ferdinand Jeannotte, all of the city of Montreal; Rodolphe Bédard, Eugène Desmarais, both of the city of Outremont; Telésphore Brassard, of St. Johns; Napoleon Champagne, of the city of Ottawa; Clement M. Leger, of Memramcook; Docteur Norbert Cloutier, of Montmagny; Renaldo Guilmette, of Southbridge; Norbert Decelles, of Woonsocket; all of them directors, officers and members of the Provincial Society, together with such other persons as are now members or who at the time of this Act taking effect by its terms may be members of the Provincial Society and who may become members of the society hereby incorporated, are incorporated under the name of *La Société Des Artisans Canadiens Français*, hereinafter called "the Society." Incorporation. Name.

Objects.

**2.** The objects of the society shall be—

(*a*) to promote the welfare of its members and to act generally as a fraternal, charitable and benevolent society;

(*b*) to aid its members and their dependents during sickness and other disability; to care for them while living, and to bury the dead;

(*c*) to pay stipulated sums to such beneficiary or beneficiaries as a deceased member, while living, may from time to time have designated, or to a member upon becoming totally and permanently disabled, or upon attaining such age or surviving such term of years as may be provided for by the contract issued in accordance with the by-laws of the Society.

Head office.

**3.** The head office of the Society shall be in the city of Montreal, in the province of Quebec.

Solely fraternal beneficiary society.

**4.** The Society shall be, and shall at all times remain, a fraternal beneficiary society, carried on solely for the mutual protection of its members, their families and lawful beneficiaries and not for profit.

Governing body.

**5.** The Society shall maintain a representative form of government and lodge system with ritualistic form of work, as its duly adopted laws may from time to time provide, and shall be governed—

(*a*) by a supreme legislative body known as the General Convention, consisting of:—

(i) the General Council named in paragraph (*c*) hereof;

(ii) the ex-general presidents who have not ceased to be members of the Society;

(iii) fifty delegates elected by the convention of jurisdictions in accordance with the laws of the Society;

(*b*) by an Executive Council of nine members including the president general, who shall be residents of Montreal, or of its suburbs;

(*c*) by a General Council of fifteen members composed of the Executive Council and six additional members resident outside of Montreal, or of its suburbs.

Powers of general convention.

**6.** The general convention shall make the by-laws and be the final judge in all questions concerning the Society, provided that the elected members constitute a majority of at least two-thirds.

Executive Council.

2. The Executive Council shall see to the carrying out of the by-laws and shall have charge of the internal government of the Society.

General Council.

3. The General Council shall administer the affairs of the Society generally, and have the right to take cognizance of the administration by the Executive Council, according with the by-laws.

Duration of by-laws.

4. The Society and its members shall be governed by the present by-laws and regulations of the Provincial Society until the same are altered or re-enacted under the authority of this Act, for the carrying out of which the general convention shall have power to make by-laws, not contrary to law.

Officers, etc. of Provincial Society continued.

**7.** The several officers and members of the Executive Council and General Council of the Provincial Society shall hold their respective positions and shall discharge their duties as laid down in the existing constitution, rules and regulations of the Provincial Society, as officers and members of the councils of the Society, until the date of the meeting of the next general convention provided for in the existing constitution, rules and regulations of the Provincial Society, unless theretofore removed in accordance with the provision contained in said constitution, rules and regulations.

Payment of benefits.

**8.** The contributions for the several benefits shall be paid in monthly, bi-monthly, quarterly, half-yearly or annual instalments in advance, and during either the entire life-time or a specified number of years.

Exemption from seizure.

**9.** No sum of money, to which a member or any of the heirs or legal representatives of a deceased member may be entitled under the by-laws, is liable to seizure, either before or after judgment, except for the debts due to the Society itself.

Payment of indemnities.

**10.** The indemnity payable at death shall be made payable only to the following persons: the wife, the husband, fiancé or fiancée, child, child by adoption, relative by blood, parent and parent by legal adoption, or any other person, who, for his or her support, depends upon a member to whom the certificate is delivered: Provided that if after the issue of the original certificate a member depends upon a charitable institution, such member may name such institutuon as his or her beneficiary.

Change of beneficiaries.

2. The members are entitled, on making a written application to that effect, to change the beneficiaries at any time, and without the consent of the latter.

Payment in default of beneficiaries.

3. In default of beneficiaries duly designated, or if they die before the member, the indemnity shall be paid as follows:—

(*a*) to the surviving consort;
(*b*) in default of surviving consort, to the children or grandchildren of the member;
(*c*) in default of the above persons, to assigns, lawful heirs, or legatees.

Indemnity not part of estate.

**11.** The indemnity payable at death is not deemed to be derived from the estate nor from the community of property of the deceased member, and the receipt of such amount by a beneficiary does not constitute an acceptance of the succession or of the commnuity of property which existed for his benefit.

Payment discharges Society.

**12.** The payment of such sum thirty days after receiving a notice of death, to any such person appearing to be legally entitled thereto, fully discharges the Society.

General powers.

**13.** The Society may exercise all the general powers vested in bodies politic.

Limitations of benefits.

**14.** The benefits granted by the Society shall be subject to the following limitations:—

(*a*) the amount payable to any member on account of incapacity arising from accident or sickness shall not exceed ten dollars per week nor be payable for more than twenty-six weeks in any consecutive twelve months;

(*b*) the amount payable at or subsequent to the death of any member, or at or subsequent to the occurrence of permanent disability of any member, or at or subsequent to his surviving a stated term of years in respect of the contract or contracts of insurance of such member, shall not exceed in value the sum of five thousand dollars, and the amount payable under an annuity contract or contracts issued on any one life shall not exceed three hundred dollars annually.

Separate accounts and funds.

2. Separate accounts and funds in respect of each of the classes of benefits specified in the preceding subsection of this section and of infantile insurance benefits shall be maintained for the benefit only of the members contributing the same and the assets composing any of the said funds shall be liable and be used only for the claims and obligations under the particular benefits in respect of which contributions to that fund have been made.

General fund.

3. The Society shall, in addition to the said funds, maintain a general or expense fund from which all payments of the Society for general expenses and administration shall be paid.

4. Separate and distinct registers and books of account shall be kept by the Society showing the members entitled to participate in each of the said funds, the receipts and payments in respect thereof, the amounts from time to time chargeable against it and every other matter and detail necessary to permit of the condition of each of the said funds being readily ascertained. Separate registers.

**15.** The Society shall maintain a reserve in respect of all its outstanding policies calculated on the basis of such tables of mortality, sickness and disability and of such rate of interest, not exceeding four per cent per annum, as are in the opinion of the Superintendent of Insurance appropriate. Maintenance of reserve.

2. The Society shall, in addition to the annual and other statements required by *The Insurance Act* file with the Superintendent of Insurance, on or before the first day of March in each year, a valuation made by an actuary in such detail as the said Superintendent may require of all the Society's policies outstanding on the thirty-first day of December next preceding, and such valuation shall be accompanied by a certificate of the actuary to the effect that in his opinion the reserves disclosed by the said valuation together with the future contributions to be made by the members are sufficient to provide for all the obligations of the Society without further increase in the number or amount of the premiums then payable by the members. The reserves in each fund disclosed by the said valuation shall be carried as a liability of the fund. Actuary's valuation. Certificate.

3. If, from an examination of the said valuation, the Superintendent of Insurance is of the opinion that the reserves disclosed thereby are less than those required by subsection one of this section to be maintained, he may increase the reserves disclosed by the said valuation by such an amount as he believes to be necessary and such increased reserves shall be carried as liabilities of the funds. Increase of reserve.

4. In this Act the word "actuary" shall mean an actuary resident in Canada and being a Fellow of the Institute of Actuaries of Great Britain, or a Fellow of the Faculty of Actuaries of Scotland, or a Fellow of the Actuarial Society of America; provided, however, that in special circumstances any actuary approved for the purpose by the Superintendent may perform the duties of an actuary required by this Act. "Actuary" defined.

**16.** After the Society has obtained a license under *The Insurance Act,* no change shall be made in the insurance Approval of changes.

benefits of the Society or in the premiums or contributions payable therefor unless such change is approved by an actuary.

Investment of funds.

**17.** The Society may invest its funds or any portion thereof in 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 Society is carrying on business; or guaranteed by any municipal corporation in Canada; or secured by rates or taxes, levied under the authority of the Government of any province of Canada on property situated in such province and collectable by the municipalities in which such property is situated.

Loaning powers.

2. The Society may loan its funds or any portion thereof on the security of—

(*a*) any of the securities mentioned in the preceding subsection of this section; or

(*b*) improved real estate in Canada or elsewhere where the Society is carrying on its business or leaseholds for a term or terms of years or other estate or interest therein, but 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; or

(*c*) policies or contracts of insurance issued by the Society on which at least five years' premiums have been paid.

Real estate.

3. The Society 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 for such purpose is vested in the Provincial Society 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.

Limitation.

4. Nothing contained in this Act, or in any general Act relating to the investments of insurance companies, shall be held to confer on the Society any other or wider powers of investment than those conferred by this section.

Acquisition of rights, property, etc. of Provincial Society.

**18.** The Society may acquire 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 Society,

or to which it is or may become entitled, subject to existing mortgages or liens, if any.

Liabilities of Provincial Society.

**19.** In case of the acquisition mentioned in the preceding section, the Society shall assume the liabilities of the Provincial Society, and shall pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties, for or in respect to which the Provincial Society was, is now, or may become liable, and the Society shall indemnify the Provincial Society for all loss or damage occasioned thereby.

Certain rights saved.

2. Any person having any claim, demand, right, cause of action or complaint against the Provincial Society, or to whom the Provincial Society is under any liability, obligation or contract, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the Society as such person has against the Provincial Society.

Deposit of copy of laws and constitution with Secretary of State, etc.

**20.** Within three months after the passing of this Act, a certified copy of the constitution and laws of the Society 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 after their adoption by the Society.

No exemption from general laws.

**21.** Nothing herein shall exempt the Society from the effect of any legislation hereafter passed by Parliament with respect to any insurance powers exercised by friendly or fraternal societies or companies.

Issue of licenses.

**22.** A license under *The Insurance Act* shall not be issued to the Society nor shall any license issued thereto be renewed, unless and until the Superintendent of Insurance has been satisfied, by such evidence as he may require, that the Provincial Society is ceasing to do business nor unless and until such undertaking as he may require has been given that the Provincial Society will totally cease so to do business within such reasonable time as he may fix.

1910, c. 32 to apply.

**23.** *The Insurance Act, 1910,* and any general Act relating to insurance passed during the present session of Parliament shall apply to the Society, except in so far as such Acts are inconsistent with this Act.

Commencement of Act.

**24.** This Act shall take effect from and after the date fixed by the resolution accepting and approving the same, adopted by a vote of not less than two-thirds of the branches of the Provincial Society, which approval by each branch shall require a two-thirds affirmative vote of the members present and voting at a regular meeting or at a special meeting, duly called for the purposes of considering this Act.

Notice.

2. Notice of such acceptance and approval of this Act and the date so fixed upon which it shall take effect shall be published by the Society in the *Canada Gazette*.

40.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA

# BILL 40.

An Act to incorporate *La Société des Artisans Canadiens Français.*

First reading, April 27, 1917.

(PRIVATE BILL.)

MR. ACHIM.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 41.

## An Act respecting The Grand Trunk Pacific Branch Lines Company.

WHEREAS The Grand Trunk Pacific Branch Lines 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:— 1906, c. 99; 1908, c. 115; 1909, c. 86; 1910, c. 193; 1911, c. 83; 1913, c. 122.

**1.** This Act may be cited as *The Grand Trunk Pacific Branch Lines Act, 1917.* Short title.

**2.** The Grand Trunk Pacific Branch Lines Company, hereinafter called "the Company," may, within five years after the passing of this Act, complete and put in operation the following lines of railway, all of which have been partly constructed, namely:— Extension of time for completion of certain authorized railways.

(*a*) The lines of railway authorized by paragraphs nine, ten, twelve and fourteen of section eleven of chapter ninety-nine of the statutes of 1906, and therein described as follows:—

"9. From a point on the western division of the Grand Trunk Pacific Railway in the vicinity of township 12, ranges 16 or 17 west of the 1st meridian, to Brandon, and thence to Regina; and also a line from Brandon to a point on the southern boundary of the province of Manitoba in the vicinity of Turtle Mountain.

"10. From a point on the western division of the Grand Trunk Pacific Railway in the vicinity of township 22, range 6, west of the 2nd meridian, to Yorkton, and thence to the shores of Hudson Bay in the vicinity of Fort Churchill.

"12. From a point on the western division of the Grand Trunk Pacific Railway between the 105th and 107th degrees of longitude to Prince Albert.

"14. From a point on the western division of the Grand Trunk Pacific Railway between the 111th and 113th degrees of longitude to Calgary, and thence to the southern boundary of the province of Alberta at or near Coutts."

"(*b*) The line of railway authorized by paragraph twenty-two of section eleven of chapter ninety-nine of the statutes of 1906, as amended by section one of chapter eighty-six of the statutes of 1909, and described as follows:—

"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."

(*c*) The lines of railway authorized by paragraphs twenty-three, twenty-four and twenty-five of section eleven of chapter ninety-nine of the statutes of 1906, as amended by section one of chapter one hundred and three of the statutes of 1910, and described as follows:—

"23. From a point on the western division of the Grand Trunk Pacific Railway between the east limit of range 11 and the west limit of range 16, west of the third meridian, thence in a southwesterly and westerly direction to a point in the vicinity of Calgary, or to a point on the line which the Company is authorized by paragraph 14 to construct to Calgary.

"24. From a point on the proposed line mentioned in paragraph 23 between the east limit of range 20 and the west limit of range 28, west of the third meridian, thence in an easterly and southeasterly direction to a point on the Company's authorized line at or near Moosejaw, or to a point in the vicinity thereof.

"25. From a point within or near townships 41, 42 or 43 on the line which the Company is authorized under paragraph 13 to construct to Battleford, thence in a generally northwesterly and westerly direction to a point on the western division of the Grand Trunk Pacific Railway between Artland and Wainwright."

Limitation.

**3.** Unless the said lines of railway are completed and put in operation within the said period of five years, the Company's powers to construct said lines of railway shall cease and be null and void as respects so much of the said lines of railway as then remains uncompleted.

41.

7th Session, 12th Parliament, 7 George V., 1917.

THE HOUSE OF COMMONS OF CANADA.

BILL 41.

An Act respecting The Grand Trunk Pacific Branch Lines Company.

First reading, April 27, 1917.

(PRIVATE BILL.)

MR. CURRIE (Simcoe).

OTTAWA
Printed by J DE L. TACHÉ
Printer to the King's most Excellent Majesty.
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 42.

An Act to amend the Chinese Immigration Act.

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

Clergymen and students to be exempt from tax.

**1.** Paragraph (*c*) of subsection one of section seven of the *Chinese Immigration Act*, Revised Statutes of Canada, 1906, chapter ninety-five, as enacted by chapter fourteen of the statutes of 1908, is amended by inserting the following after clause five thereof:—

(6) Clergymen;

(7) Students coming to Canada for the purpose of securing a higher education in any Canadian college or university or other educational institution approved by the Minister.

Previous provision about students repealed.

2. Subsection three of section seven as enacted by the said chapter fourteen of the statutes of 1908 is repealed.

**2.** The following sections are inserted immediately after the said section seven:—

Persons ceasing to be in exempt class liable for tax.

"7A. Any person admitted as exempt from the tax and who ceases to belong to one of the exempt classes shall be required to pay into the Consolidated Revenue Fund of Canada the tax of five hundred dollars, and if the person refuses or fails to pay the tax he shall be deported, at his own expense if able to pay, and if not, at the expense of His Majesty.

Deportation of persons illegally in Canada.

"7B. Whenever any officer appointed under this Act or under *The Immigration Act* has reason to believe that any person of Chinese origin is illegally in Canada, he may without a warrant apprehend such person, and, if such person is unable to prove to the satisfaction of the officer that he has been properly admitted into and is legally in Canada, the officer may detain such person in custody and charge him before a magistrate with being illegally in

Canada, which charge shall be tried summarily by the magistrate, and the burden of proof of such person's right to be in Canada shall rest upon such person, and, if the magistrate decides that he is illegally in Canada, such person shall be deported, at his own expense if able to pay, and if not, at the expense of His Majesty."

42.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 42.

An Act to amend the Chinese Immigration Act.

First reading, April 27, 1917

MR. ROCHE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 43.

An Act respecting Companies.

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 Companies Act.* Short title.

APPLICATION.

**2.** This Act applies to,—

(*a*) all companies incorporated under it; New companies.

(*b*) all companies incorporated under the *Companies Act*, being chapter 79 of the Revised Statutes of Canada, 1906, or any prior Act or Acts for which said Act was substituted. Old companies.

INTERPRETATION.

**2A.** In this Act and in all certificates of incorporation and supplementary certificates issued under it, unless the context otherwise requires,— Definitions.

(*a*) "the company," or "a company" means any company to which this Act applies; "Company."

(*b*) "court" means in Ontario, the High Court of Justice; in Quebec, the Superior Court in and for that province; in Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, Alberta and Saskatchewan, the Supreme Court in and for each of these provinces, respectively; in Manitoba, the Court of King's Bench for Manitoba, and in the Yukon Territory, the Territorial Court; "Court."

(*c*) "Court of Appeal" means in Ontario and Manitoba, the Court of Appeal; in Quebec, the Court of King's Bench, appeal side; in Nova Scotia, New Brunswick, "Court of Appeal."

British Columbia, and Saskatchewan, the Supreme Court en banc; in Prince Edward Island, the Supreme Court; in Alberta, the Supreme Court, Appellate Division; and in the Yukon Territory, the Supreme Court of Canada. From R.S.C. 1906, c. 79 s. 3 in part.

"Judge." (*d*) "judge" means in the said respective provinces and Territory a judge of the said courts respectively;

"Manager." (*e*) "manager" includes the cashier and his secretary;

"Real Estate." (*f*) "real estate," or "land" includes messuages, lands, tenements, and hereditaments of any tenure, and all immovable property of any kind;

"Shareholder." (*g*) "shareholder" means every subscriber to or holder of stock in the company, and includes the personal representatives of the shareholder; and

"Undertaking." (*h*) "the undertaking" means the business of every kind which the company is authorized to carry on.

## Part I.

### INCORPORATION AND CONSTITUTION OF COMPANY.

Mode of forming company.

**3.** Any five or more persons associated for any lawful purpose to which the authority of Parliament extends, except for the purpose of the construction or operation of railways, or the business of insurance, may, by subscribing their names to a memorandum of association and otherwise complying with the requirements of this Act in respect of registration, form an incorporated company with limited liability.

Sask., 1909, Cap. 72, S. 5 in part.

Memorandum of association of a company limited by shares.

**4.** The memorandum of association shall contain the following things, that is to say:—

(*a*) the name of the proposed company, with the addition of the word "Limited" as the last word in such name;

(*b*) the objects for which the proposed company is to be established;

(*c*) the place in Canada in which the registered office of the company is proposed to be situated;

(*d*) a declaration that the liability of the shareholders is limited;

(*e*) the amount of capital with which the company propose to be registered, divided into shares of a certain fixed amount;

(*f*) the name in full, the place of residence and the calling of each of the incorporators;

(*g*) the names of not less than three of the incorporators who are to be the provisional directors of the company.

Subject to the following regulations:

(*a*) that each subscriber shall take not less than one share;

(*b*) that each subscriber of the memorandum of association shall write opposite to his name the number of shares he takes;

(*c*) that each subscriber of the memorandum of association shall be the *bona fide* holder in his own right of the share or shares for which he has subscribed in the memorandum of association.

Sask., 1909, Cap. 72, S. 7 in part.

Man., 1913, Cap. 35, S. 5.

Subscribers may ask for other provisions.

2. Subscribers to the memorandum may agree upon the embodying in the certificate of incorporation of any provision which otherwise, under the provisions hereof, might be embodied in any by-law of the company when incorporated.

Man., 1913, Cap. 35, S. 6.

Registration.

Fees.

**5.** The memorandum of association shall be delivered to the Secretary of State, who, if a certificate of incorporation is to be granted, shall retain and register the same. There shall accompany the memorandum the fees payable in respect of incorporation as provided in this Act.

Sask., 1909, Cap. 72, S. 14 in part.

Certificate of Secretary of State.

**6.** Upon the registration of the memorandum of association the Secretary of State shall certify, under his hand and seal of office—

(*a*) that the company is incorporated;

(*b*) the amount of its capital;

(*c*) the number of shares into which it is divided;

(*d*) that the company is limited;

(*e*) in the case of a mining company, the liability of the shareholders whereof is specially limited under section seventy-four hereof, that the said company is so specially limited under said section seventy-four;

(*f*) the place where the registered office of the company is to be situated;

(*g*) the objects of the company;

and such certificate shall be published in the *Canada Gazette*.

Commencement.

2. The incorporation of the company shall take effect from the date of incorporation mentioned in the certificate of incorporation.

Sask., 1909, Cap. 72, S. 16 in part.

Effect of registration.

**7.** The subscribers of the memorandum of association together with such other persons as from time to time

become shareholders of the company, shall thereupon be a body corporate under the name contained in the certificate of incorporation, capable forthwith of exercising all the functions of an incorporated company and having perpetual succession and a common seal, with power to hold lands, but with such liability on the part of the shareholders as is hereinafter mentioned.

Sask., 1909, Cap. 72, S. 17.

Secretary of State's certificate conclusive evidence.

**8.** Any certificate of the incorporation of the company given by the Secretary of State under his seal of office shall be conclusive evidence of the incorporation and that all the requirements of this Act in respect of registration and of matters precedent and incidental thereto have been complied with.

Certified copy or extract of equal validity with original.

2. Any certificate of the incorporation of any company given by the Secretary of State shall be received in evidence as if it were the original certificate; and any copy of or extract from any of the documents kept and registered at the office of the Secretary of State, if duly certified to be a true copy or extract under the hand of the Secretary of State and his seal of office, shall for all purposes be received in evidence as of equal validity with the original document.

Sask., 1909, Cap. 72, S. 18.

Prohibition against identity of names.

**9.** No company shall be registered under a name identical with that by which a subsisting company is lawfully carrying on business in Canada, whether such last mentioned company is incorporated under the provisions of this Act or not, or so nearly resembling the same as in the opinion of the Secretary of State to be calculated to deceive, except in a case where such subsisting company is in the course of being dissolved and testifies its consent in such manner as the Secretary of State requires.

Sask., 1909, Cap. 72, S. 20.

Change of name by Secretary of State.

2. The Secretary of State may give to the company a corporate name wholly or partially different from the name proposed by the subscribers.

Man., 1913, Cap. 35, S. 10.

## Part II.

### CHANGE OF NAME OF COMPANY.

Change of name upon application.

**10.** Where a company, incorporated under any special or general Act of the Parliament of Canada is desirous of changing its name, and by by-law duly passed so requests the Secretary of State, the Secretary of State, upon being satisfied that the company is solvent and that the change

desired is not for any improper purpose and is not otherwise objectionable, may change the name of the company.

2. When the proposed name is considered objectionable the Secretary of State may change the name of the company to some unobjectionable name. In case proposed name objectionable.

Ont., 1914, Cap. 178, S. 40.

**11.** Upon the change of name of any company under the provisions of the next preceding section the Secretary of State shall enter the new name on the register in place of the former name and shall issue a certificate of incorporation altered to meet the circumstances of the case. New entry and certificate by Secretary of State.

**12.** Notice of the change of a company shall be given by the Secretary of State by publication in the *Canada Gazette*. Notice.

Ont., 1914, Cap. 178, S. 61.

**13.** No such alteration of name shall affect any rights or obligations of the company or render defective any legal proceedings instituted or to be instituted by or against the company; and any legal proceedings may be continued or commenced against the company by its new name that might have been continued or commenced against the company by its former name. Change not to affect rights and obligations of company.

Man., 1913, Cap. 35, S. 18 in part.

## Part III.

### IMPLIED POWERS OF THE COMPANY.

**14.** A company incorporated under this Act shall possess, as incidental and ancillary to the objects set out in the certificate of incorporation, power and capacity to,— Powers incidental to company.

(*a*) carry on any other business, whether manufacturing or otherwise, capable of being conveniently carried on in connection with its business or caluculated directly or indirectly to enhance the value of or render profitable any of the company's property or rights;

(*b*) acquire or undertake the whole or any part of the business, property and liabilities of any person or company carrying on any business which the company is authorized to carry on, or possessed of property suitable for the purposes of the company;

(*c*) apply for, purchase or otherwise acquire, any patents, licenses, concessions, and the like, conferring any exclusive or non-exclusive or limited right to use, or any secret or other information as to any invention which

may seem capable of being used for any of the purposes of the company, or the acquisition of which may seem calculated directly or indirectly to benefit the company, and to use, exercise, develop or grant licenses in respect of or otherwise turn to account the property, rights or information so acquired;

(*d*) enter into partnership or into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concessions 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 any business or transaction capable of being conducted so as directly or indirectly to benefit the company; and to lend money to, guarantee the contracts of, or otherwise assist any such person or company, and to take or otherwise acquire shares and securities of any such company, and to sell, hold, reissue, with or without guarantee, or otherwise deal with the same;

(*e*) subject to section sixty-one, take or otherwise acquire and hold, shares in any other company having objects altogether or in part similar to those of the company or carrying on any business capable of being conducted so as directly or indirectly to benefit the company;

(*f*) enter into any arrangement with any authorities municipal, local or otherwise, that may seem conducive to the company's objects, or any to them, and to obtain from any such authority any rights, privileges and concessions which the company may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges, and concessions;

(*g*) establish and support or aid in the establishment and support of associations, institutions, funds, trusts, and conveniences calculated to benefit employees, or ex-employees of the company, or its predecessors in business, or the dependents or connections of such persons, and to grant pensions and allowances, and to make payments towards insurance, and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful objects;

(*h*) promote any company or companies for the purpose of acquiring or taking over all or any of the property and liabilities of the company, or for any other purpose which may seem directly or indirectly calculated to benefit the company;

(*i*) purchase, take on lease or in exchange, hire or otherwise acquire, any personal property and any rights or

privileges which the company may think necessary or convenient for the purpose of its business, and in particular any machinery, plant, and stock-in-trade;

(*j*) construct, improve, maintain, work, manage, carry out or control any roads, ways, tramways, branches or sidings, bridges, reservoirs, watercourses, wharves, manufactories, warehouses, electric works, shops, stores, and other works and conveniences which may seem calculated directly or indirectly to advance the company's interests, and to contribute to, subsidize or otherwise assist or take part in the construction, improvement maintenance, working, managment, carrying out or control thereof;

(*k*) lend money to customers, and others having dealings with the company and to guarantee the performance of contracts by any such persons;

(*l*) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants, and other negotiable or transferable instruments;

(*m*) sell or dispose of the 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, if authorized so to do by the vote of a majority in number of the shareholders present or represented by proxy at a general meeting duly called for considering the matter and holding not less than two-thirds of the issued capital stock of the company;

(*n*) sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the company;

(*o*) do all or any of the above things, and all things unto which the company is authorized as principals, agents, contractors, trustees, or otherwise, and either alone or in conjunction with others;

(*p*) do all such other things as are incidental or conducive to the attainment of the above objects and of the objects set out in the certificate of incorporation.

2. All or any of the powers set out in subsection one or, in the memorandum of association may be varied or withheld by the certificate of incorporation. Powers may be withheld.

Ont., 1914, Cap. 178, S. 23.

**15.** A company shall have power,— Additional powers.

(*a*) to construct, maintain and alter any buildings or works necessary or convenient for the purposes of the company;

(*b*) to acquire by purchase, lease or other title and to hold any real estate necessary for the carrying on of its undertaking, and when no longer required to sell, alienate and convey the same.

Ont., 1914, Cap. 178, S. 23.

General corporate powers of certain companies.

**15A.** Every corporation or company heretofore or hereafter created,—

(*a*) by or under this Act, or by or under any Act for which this Act was substituted, or

(*b*) by or under any Act hereafter passed in substitution for or in lieu of this Act, or

(*c*) by or under any general or special Act of the Parliament of Canada,

shall, unless otherwise expressly declared in the Act or instrument creating it, or in the memorandum of association thereof, have, and be deemed to have had from its creation, the capacity of a natural person to accept powers and rights outside of the Dominion of Canada, and to exercise its powers beyond the boundaries of Canada to the extent to which the laws in force where such powers are sought to be exercised permit, and shall, unless otherwise expressly declared in the Act or instrument creating it, or in the memorandum of association thereof, have, and be deemed to have had from its creation, the general capacity which the common law ordinarily attaches to corporations incorporated by royal charter under the great seal.

Man., 1917, c. 12, s. 1. Similar provision: Alta., 1916, c. 26, s. 1; Ont., 1916, c. 35, s. 6.

## Part IV.

### AMALGAMATION AND RE-INCORPORATION OF COMPANIES.

Amalgamation of companies.

**16.** Any two or more companies to which this Act applies, having the same or similar objects within the scope of this Act, may, in the manner herein provided, amalgamate and may enter into all contracts and agreements necessary to such amalgamation.

Joint agreement between directors proposing to amalgamate, etc.

2. The companies proposing to amalgamate may enter into a joint agreement for the amalgamation, prescribing the terms and conditions thereof, the mode of carrying the same into effect, and stating the name of the new company, the names, callings, and places of residence of the first directors thereof and how and when the subsequent directors shall be elected, with such other details as may be necessary to perfect the amalgamation and to provide for the subsequent management and working of the new company, and the number of shares of the capital, the par value of each

share, and the manner of converting the share capital of each of the companies into that of the new company.

Submission to shareholders or members of each company.

3. The agreement shall be submitted to the shareholders or members of each of the companies at a general meeting thereof, called for the purpose of taking the same into consideration.

Consideration of agreement and certificate of adoption.

4. At such meetings of shareholders or members the agreement shall be considered, and if two-thirds of the votes of all the shareholders or members of each of such companies are for the adoption of the agreement, that fact shall be certified upon the agreement by the secretary of each of such companies under the corporate seal thereof.

Petition for confirmation by certificate.

5. Thereupon the several companies by their joint petition may apply to the Secretary of State for a certificate confirming the agreement, and on and from the date of the certificate the companies shall be deemed and taken to be amalgamated and to form one company by the name in the certificate provided, and the company so incorporated shall possess all the property, rights, and privileges, and be subject to all the liabilities, contracts, disabilities and duties, of each of the companies so amalgamated.

Ont., 1914, Cap. 178, S. 10.

Rights of creditors preserved

**17.** All rights of creditors against the property, rights and assets of a company amalgamated under the provisions of this Act and all liens upon its property, rights and assets shall be unimpaired by such amalgamation; and all debts, contracts, liabilities and duties of such companies shall thenceforth attach to the new company and may be enforced against it to the same extent as if such debts, contracts, liabilities and duties had been incurred or contracted by it.

Ont., 1914, Cap. 178, S. 13.

Companies existing may apply under this Act.

**18.** Any company heretofore incorporated, whether under a special or general Act for purposes or objects within the scope of the provisions herein contained, and now being a subsisting and valid corporation, may apply for a certificate of incorporation under the foregoing provisions; and the Secretary of State, upon proof that notice of the application has been inserted for four weeks in the *Canada Gazette*, may grant a certificate incorporating the shareholders of the said company, and such other persons as from time to time become shareholders of the company, as a company, and thereupon all the rights and obligations of the former company shall be transferred to the new company, and all proceedings may be continued or commenced by or against the new company that might have been continued or commenced by or against the old com-

pany; and it shall not be necessary in any such certificate to set out the names of the shareholders; and after the issue of the certificate the company shall be governed in all respects by the provisions hereof, except that the liability of the shareholders to creditors of the old company shall remain as at the time of the issue of the certificate.

Man., 1913, Cap. 35, S. 12.

## Part V.

### SHARES AND SHAREHOLDERS.

Definition of shareholder.

**19.** The subscribers of the memorandum of association of any company under this Act shall be deemed to have agreed to become shareholders of the company whose memorandum they have subscribed; and upon the registration of the company shall be entered as shareholders on the register of shareholders hereinafter mentioned; and every other person who has agreed to become a shareholder in a company under this Act and whose name is entered on the register of shareholders shall be deemed to be a shareholder in the company.

Sask., 1909, Cap. 72, S. 26 in part.

Nature of interest, etc., in company.

**20.** The shares of any shareholder in a company under this Act shall be personal estate, capable of being transferred in manner provided by the by-laws of the company, and shall not be of the nature of real estate; and each share shall be distinguished by its appropriate number.

Sask., 1909, Cap. 72, S. 27 in part.

Rights of shareholders.

**21.** Every company under this Act shall cause to be kept in one or more books a register of its shareholders; and there shall be entered therein the following particulars:

(*a*) the name, and addresses and the occupations, if any, of all persons who are or who have been shareholders of the company; with the addition of a statement of the shares held by each shareholder, distinguishing each share by its number; and the amount paid or agreed to be considered as paid on the shares of each shareholder;

(*b*) the date at which the name of any person was entered in the register as a shareholder;

(*c*) the date at which any person ceased to be a shareholder, and whether by transfer or otherwise.

Penalty.

2. Any company acting in contravention of this section shall, upon summary conviction, be liable to a penalty not exceeding twenty-five dollars for every day during which its default in complying with the provisions of this section

continues; and every director, manager, secretary, and officer of the company who shall knowingly and wilfully authorize or permit such contravention shall, upon summary conviction, be liable to the like penalty.

Sask., 1909, Cap. 72, S. 28.

Transfer by personal representative.

**22.** Any transfer of the shares of a deceased shareholder of a company under this Act made by his personal representative shall, notwithstanding such personal representative may not himself be a shareholder, be of the same validity as if he had been a shareholder at the time of the execution of the instrument of transfer.

Voting of representative.

2 The personal representative of a deceased shareholder shall represent the shares of such deceased shareholder at all meetings of the company and may vote as a shareholder in respect thereof.

Sask., 1909, Cap. 72, S. 29

Entry of transfer by transferrer.

**23.** A company shall, on the application of the transferrer of any shares in the company enter in its register of shareholders the name of the transferee of such share in the same manner and subject to the same conditions as if the application for such entry were made by the transferee

Sask., 1909, Cap. 72, S. 30.

Transfer to escape liability.

**24.** Any transfer of shares in a company under this Act, made for the purpose of avoiding or escaping the further liability of a shareholder as such for a nominal or no consideration, or to a person in the menial or domestic service of the transferrer, shall be deemed to be a fraudulent transfer and need not be recognized by the company or by the court on the winding up of the company.

Sask., 1909, Cap. 72, S. 31.

No trust to be entered on register.

**25.** No notice of any trust (expressed, implied or constructive) shall be entered on the register of shareholders or be receivable by the Secretary ot State in the case of companies under this Act.

Company not bound to see to trusts, etc.

2 The company shall not be bound to see to the execution of any trust (whether expressed, implied or constructive) in respect of any share; and the receipt of the shareholder in whose name the same stands on 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 whether or not notice of the trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt.

Sask., 1909, Cap. 72 ,S. 35.

Evidence of title to shares.

**26.** A certificate under the common seal of the company specifying any share or shares held by any shareholder of a company shall be *prima facie* evidence of the title of the shareholder to the share or shares therein specified.

Sask., 1909 Cap. 72, S. 36.

Inspection of register.

**27.** The register of shareholders, commencing from the date of the registration of the company, shall be kept at the registered office of the company hereinafter mentioned. Except when closed as hereinafter mentioned it shall during business hours, subject to such reasonable restrictions as the company in general meeting may impose, but so that no less than two hours in each day be appointed for inspection, be open to the inspection of any shareholder *gratis* and to the inspection of any other person on the payment of twenty-five cents or such less sum as the company may prescribe for each inspection; and every such shareholder or other person may require a copy of such register or of any part thereof or of such list or summary of shareholders as is hereinbefore mentioned on payment of twenty-five cents for every hundred words required to be copied.

Penalty for refusal of inspection, etc.

2. If such inspection or copy is refused, the company shall for each refusal, upon summary conviction, be liable to a penalty not exceeding ten dollars and a further penalty not exceeding ten dollars for every day during which such refusal continues; and every director, manager, secretary, and officer of the company who shall knowingly authorize or permit such refusal shall, upon summary conviction, be liable to the like penalty; and in addition to the above penalty a judge sitting in chambers may upon summary order compel an immediate inspection of the register.

Sask., 1909, Cap. 72, S. 37.

Closing of register.

**28.** Any company under this Act may, upon giving notice by advertisement in some newspaper circulating in the district in which the registered office of the company is situated, close the register of shareholders for any time or times not exceeding in the whole thirty days in each year.

Sask., 1909, Cap. 72, S. 38.

Remedy for improper entry or omission in the register.

**29.** If the name of any person is without sufficient cause entered in or omitted from the register of shareholders of any company under this Act, or if default is made or unnecessary delay takes place in entering in the register the fact of any person having ceased to be a shareholder of the company, the person or shareholder aggrieved or any shareholder of the company or the company itself may, by motion in the court, or by application to a judge sitting in chambers, apply for an order that the register

may be rectified; and the court or judge may either refuse such application, with or without costs, to be paid by the applicant, or may if satisfied of the justice of the case make an order for the rectification of the register; and may direct the company to pay all costs of such motion or application and any damages the party aggrieved may have sustained.

Rectification of register by court or judge.

2. The court or judge may in any proceeding under this section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the register, whether such question arises between two or more shareholders or alleged shareholders or between any shareholders or alleged shareholders and the company; and generally the court or judge may in any such proceeding decide any question that it may be necessary or expedient to decide for the rectification of the register, or the court or judge may direct an issue to be tried in which any question of law may be raised.

Appeal.

3. An appeal shall lie to the Court of Appeal from any judgment or order made under this section, and the procedure on the appeal shall be such as is provided by the procedure of the courts of the province in appeals from civil judgments.

Sask., 1909, Cap. 72, S. 40.

Notice to Secretary of State.

**30.** Whenever any order has been made rectifying the register the court shall by its order direct that due notice of such rectification be given to the Secretary of State.

Sask., 1909, Cap. 72, S. 41.

Register to be evidence.

**31.** The register of shareholders shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Sask., 1909, Cap. 72, S. 42.

Shareholder's liability on unpaid portion.

**32.** Except as hereinafter otherwise provided each shareholder, until the whole amount of his shares has been paid up, shall 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 before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid on said shares, shall be the amount so recoverable with costs against such shareholder.

Plea of shareholder.

2. Any shareholder may plead by way of defence in whole or in part any set off which he could set up against the company except a claim for unpaid dividends or a salary or allowance as a president or a director of the company.

Limitation of shareholder's liability.

3. 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 related to or connected with the company beyond the unpaid amount of their respective shares in the capital stock thereof.

Sask., 1909, Cap. 72, S. 44.

Trustees, etc.

**33.** No person holding shares in the company as executor, administrator, 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 or the minor, ward or other person interested in the trust fund would be in living and competent to act and holding such shares in his own name.

Sask., 1909, Cap. 72, S. 45.

Trustees may vote.

**34.** Every such executor, administrator, guardian or trustee shall represent the shares in his hands at all meetings of the company, and may vote accordingly as a shareholder, and every person who pledges his shares may, nevertheless, represent the same at all such meetings, and may vote accordingly as a shareholder.

Man., 1913, Cap. 35, S. 51.

Non-personal liability of mortgagee or pledgee of shares.

**35.** No person holding shares as collateral security shall be personally subject to liability as a shareholder; but the person pledging such shares as such collateral security shall be considered as holding the same and shall be liable as a shareholder in respect thereof.

Sask., 1909, Cap. 72, S. 46.

Actions between company and shareholders.

**36.** Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Man., 1913, Cap. 35, S. 52.

Liability, etc., of shareholders in case of winding up.

**37.** In the event of a company incorporated under this or any other Act of Canada, being wound up, every present and past shareholder of such company shall be liable to contribute to the assets of the company to an amount sufficient for payment of the debts and liabilities of the company and the costs, charges, and expenses of the winding up, and for payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves with the qualifications following, that is to say:—

(*a*) no past shareholder shall be liable to contribute to the assets of the company if he has ceased to be a

shareholder for a period of one year or upwards prior to the commencement of the winding up;

(*b*) no past shareholder shall be liable to contribute in respect of any debt or liability of the company contracted after the time at which he ceased to be a shareholder;

(*c*) no past shareholder shall be liable to contribute to the assets of the company unless it appears to the court that the existing shareholders are unable to satisfy the contributions required to be made by them in pursuance of this Act;

(*d*) no contribution shall be required from any shareholder exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past shareholder;

(*e*) nothing in this Act contained shall invalidate any provision contained in any contract whereby the liability of individual shareholders upon any such contract is restricted or whereby the funds of the company are alone made liable in respect of such contract;

(*f*) no sum due to any shareholder of a company in his character of a shareholder by way of dividends, profits or otherwise shall be deemed to be a debt of the company payable to such shareholder in a case of competition between himself and any other creditor not being a shareholder of the company; but any such sum may be taken into account for the purpose of the final adjustment of the rights of the contributiores among themselves;

(*g*) nothing herein contained shall enlarge the liability of any shareholder in any company incorporated under any prior Act in respect of shares held at the time this Act comes into force, but the liability shall continue as if such prior Act were not repealed and still applied.

Sask., 1909, Cap. 72, S. 47 in part.

Before commencing business, ten per cent to be subscribed, etc.

**38.** No company, except a company incorporated for mining purposes, incorporated under this Act or any Act or Acts for which this Act is substituted, shall commence business until at least ten per cent of the authorized capital of the said company shall have been subscribed and actually paid up:

Dom., 1906, Cap. 79, S. 26.

Proviso.

Provided, however, that the acquiring by the company of any property real or personal, contract right or franchise in consideration or part consideration of the issue of shares in the company, and equal in value to the amount required

to be subscribed and paid up before a company may commence business, shall be a compliance with the provisions of this section.

Man., 1913, Cap. 35, S. 20.

## PART VI.

### CALLS.

Calling in instalments.

**39.** 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 letters patent or certificate of incorporation or the provisions hereof, or the by-laws of the company, may require or allow, and interest shall accrue and fall due upon the amount of any unpaid call from the day appointed for the payment of such call.

Man., 1913, Cap. 35, S. 53.

Ten per cent within first year.

**40.** Not less than ten per centum upon the allotted stock of the company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the company; the residue, when and as the letters patent or certificate of incorporation or the provisions hereof or the by-laws of the company shall direct.

Man., 1913, Cap. 35, S. 54.

Enforcement of payment of calls by action.

**41.** The company may enforce payment of all calls and interest thereon by action in any competent court; in such action it shall not be necessary to set forth the special matter but it shall be sufficient to allege that the defendant is a holder of one share or more, stating the number of shares and is indebted 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, whereby an action hath accrued to the company, and a certificate under its seal, and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts as *prima facie* evidence to that effect.

Man., 1913, Cap. 35, S. 55.

Forfeiture of shares.

**42.** If, after such demand or notice as by the letters patent or certificate of incorporation or by-laws of the company may be prescribed, any call made upon any share or shares be not paid within such time as by such letters

patent or certificate of incorporation or by-laws may be limited in that behalf, the directors in their discretion by vote to that effect reciting the facts, the same being duly recorded in their minutes, may summarily forfeit any share or shares whereupon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise the directors shall ordain.

Man., 1913, Cap. 35, S. 56.

Restrictions as to transactions.

**43.** No share or shares shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Man., 1913, Cap. 35, S. 57.

Shareholders in arrears not to vote.

**44.** No shareholder, being in arrear in respect of any call, shall be entitled to vote at any meeting of the company.

Man. 1913, Cap. 35, S. 58.

Unpaid note, etc., does not entitle to certificate.

**45.** The delivery to the company of a promissory note, cheque or bill of exchange, for or on account of shares or calls, shall not entitle the shareholder to a paid-up certificate, nor shall such certificate be issued until the note, cheque or bill is paid.

## Part VII.

### DIRECTORS AND THEIR POWERS, LIABILITY, ETC.

First directors.

**46.** The persons named as provisional directors in the certificate of incorporation shall be the directors of the company, until replaced by others duly elected in their stead by the shareholders in general meeting, which shall be held not later than twelve months after date of the certificate of incorporation, and they shall be eligible for election.

Ont., 1914, C. 178, S. 83, Ss. 88 and 89.

Board of directors.

**47.** The affairs of the company shall be managed by a board of not less than three directors, who shall be elected by the shareholders in general meeting.

Ont., 1914, Cap. 178, S. 84.

Business must be transacted by quorum.

**48.** Except as in this section provided no business of a company shall be transacted by its directors unless at a meeting of directors at which a quorum of the board shall be present.

Majority to constitute quorum.

2. Unless otherwise provided by by-law passed or approved by the shareholders a majority of the directors shall be necessary to constitute a quorum.

Filling vacancies while quorum.

3. So long as a quorum of directors remains in office vacancies in the board may be filled by such directors as remain in office.

Calling meeting when no quorum.

4. Whenever there is not a quorum of directors in office it shall be the duty of the remaining directors or director forthwith to call a meeting of the shareholders to fill the vacancies, and in default the meeting may be called by any shareholder.

Calling meeting when no directors.

5. If there are no directors remaining in office a meeting to elect directors may be called without service of any requisition.

Ont., 1914, Cap. 178, S. 85.

Executive committee.

**49.** The shareholders of a company having more than six directors may, by a resolution passed at a general meeting called for that purpose, at which there are present in person or by proxy shareholders holding not less than two-thirds of the issued capital stock of the company, authorize the directors to delegate any of their powers to an executive committee, consisting of not less than three, to be elected by the directors from their number.

Committee subject to regulations.

2. A committee so formed shall, in the exercise of the powers so delegated, conform to any regulation that may be imposed upon them by such resolution or by the directors.

Ont., 1914, Cap. 178, S. 86.

Qualification of directors.

**50.** No person shall hold office as a director unless he is a shareholder absolutely in his own right, and where any director ceases to be such a shareholder he shall thereupon cease to be a director.

Ont., 1914, Cap. 178, S. 87.

Penalty for allowing use of name for consideration.

**51.** No person shall accept an allotment or receive a transfer of any shares in the stock of any company or corporation incorporated under this Act, or under any statute of Canada, or accept or receive any other benefit or advantage from any such company or corporation or from any person connected with it, in consideration of allowing the use of his name as a director, trustee or member of the board of management of any such company or corporation, under a penalty of not less than one hundred dollars and not more than two thousand dollars, to be recovered on summary conviction before a police magistrate or two justices of the peace.

Man. 1913, Cap. 35, S. 27.

**52.** No person guilty of any violation of the preceding section shall be entitled to retain or hold any shares, or other benefit or advantage, allotted or transferred to or received by him for any such consideration as aforesaid, and all such shares or other benefit or advantage whether in the hands of such person or of any person acquiring the same with notice or knowledge that the transferor or assignor had been guilty of any such violation, shall be illegal and of no value, and shall not confer any benefit upon the person receiving the same, and may, at the suit of the company or corporation or of any shareholder thereof, be declared by any court of competent jurisdiction to be absolutely forfeited to the company or corporation, and any such court may order that the same be restored or re-transferred or the value thereof paid to the company or corporation, together with costs of any such suit.

Persons guilty of violation of section twenty-seven not to retain shares or other benefit.

Suit to recover or forfeit same.

Man., 1913, Cap. 35, S. 28.

**53.** In the absence of other provisions in that behalf, in the by-laws of the company,—

Election of directors.

(*a*) the election of directors shall take place yearly and all the directors then in office shall retire, but, if otherwise qualified, they shall be eligible for re-election;

Yearly.

(*b*) every election of directors shall be by ballot;

By ballot.

(*c*) the directors shall, from time to time, elect from among themselves a president, and, if they see fit, a vice-president of the company; and may also appoint all other officers thereof.

President, vice-president, etc.

Ont., 1914, Cap. 178, S. 88.

**54.** If an election of directors is not made or does not take effect at the proper time, the company shall not thereby be dissolved; but the election may take place at any general meeting of the company duly called for that purpose; and the directors shall continue in office until their successors are duly elected.

Failure to elect directors —how remedied.

Ont., 1914, Cap. 178, S. 89.

**55.** A company, may, by by-law, vary the number of its directors, but so that the number shall be not less than three, and may fix the quorum of the board, and may change the location of the registered office in Canada.

Change by by-law of number of directors, or quorum or head office.

2. No such by-law shall take effect until confirmed at a meeting duly called for considering the same, at which there are present in person or by proxy shareholders holding not less than two-thirds of the issued capital stock of the company.

By-law to be confirmed by shareholders.

Ont., 1914, Cap. 178, S. 90.

Directors may nominate persons to act in their places for limited time.

**56.** Each director shall have power to nominate any other director, or any person approved for that purpose by the other directors of the company, to act as alternate director in his place for any period of successive periods, not exceeding six calendar months each, and at his discretion to remove such alternate director, and on such appointment being made the alternate director shall be subject in all respects to the terms and conditions subsisting with reference to the other directors of the company, and the director so nominating shall not be responsible for the acts and defaults of the alternate director so nominated.

Man., 1913, Cap. 35, S. 33.

By-laws.

**57.** The directors may pass by-laws not contrary to law, or to this Act, to regulate:

Shares.

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

Dividends.

(*b*) the declaration and payment of dividends:

Director's services.

(*c*) the amount of the share qualification of the directors and the remuneration of the directors and of the president and vice-president;

Meetings.

(*d*) the time at which and place where the meetings of the company shall be held, the calling of meetings of the company, and the procedure in all things at such meetings, and except as provided by section one hundred and eight the requirements as to proxies;

Miscellaneous.

(*e*) the conduct in all other particulars of the affairs of the company.

Confirmation of by-laws.

2. Subject to the provisions of subsection three, every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall have force only until the next annual meeting of the company; and in default of confirmation thereat shall, at and from that time, cease to have force; and in that case no new bylaw to the same or the like effect or re-enactment thereof, shall have any force until confirmed at a general meeting of the company.

By-laws may be varied.

3. The company may, either at a general meeting called for that purpose, or at the annual meeting repeal, amend, vary or otherwise deal with any by-law passed by the directors, but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation or other dealing.

Ont., 1914, Cap. 178, S. 91.

4. Any by-law authroized by this Act may be originated and passed at any meeting of shareholders of the company duly called for the purpose of considering the same. By-laws authorized by this Act.

Man., 1913., Cap. 35, S. 32, Ss. 5.

**58.** The directors, if authorized so to do by a resolution passed at a general meeting duly called for considering the matter, at which there are present in person or by proxy shareholders holding not less than two-thirds of the issued capital stock of the company, may pay for any property acquired or taken over or purchased under the provisions of clause (*b*) or clause (*i*) of subsection one of section fourteen, or clause (*b*) of section fifteen, wholly or partly in shares fully or partly paid up. Payment of property acquired in shares.

Ont., 1914, Cap. 178, S. 25.

**59.** No by-law for the payment of the president or of any director shall be valid or acted upon unless passed at a general meeting, or if passed by the directors until the same has been confirmed at a general meeting. Payments to president or directors.

Ont., 1914, Cap. 178, S. 92.

**60.** No director shall at any directors' meeting vote in respect of any contract or arrangement made or proposed to be entered into with the company in which he is interested either as vendor, purchaser or otherwise. Directors not to vote on contracts in which interested.

2. A director who may be in any way interested in any contract or arrangement proposed to be made with the company shall disclose the nature of his interest at the meeting of the directors at which such contract or arrangement is determined on, if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest, and if he discloses the nature of his interest, and refrains from voting, he shall not be accountable to the company by reason of the fiduciary relationship existing for any profit realized by such contract or arrangement; provided, however, that no director shall be deemed to be in any way interested in any contract or arrangement, nor shall he be disqualified from voting or be held liable to account to the company by reason of his holding shares in any other company with which a contract or arrangement is made or contemplated. No liability where interest disclosed and refrained from voting.

3. This section shall not apply to any contract by or on behalf of a company to give the directors or any of them security by way of indemnity. Proviso.

Ont. 1914, Cap. 178, S. 93.

**61.** The company, although qualified to purchase shares in other companies, shall not do so or use any of its funds Not to purchase shares of other

companies unless authorized by law.

for such purpose until the directors have been expressly authorized by a by-law passed by them for the purpose, and confirmed by a resolution passed at a general meeting duly called for that purpose, at which there are present in person or by proxy shareholders holding not less than two-thirds of the issued capital stock of the company.

Limitation.

2. This section shall not apply to a company incorporated for the purpose of carrying on the business of buying, selling or dealing in shares.

Ont., 1914, Cap. 178, S. 94.

Issue of shares at a premium or discount.

**62.** Every company heretofore or hereafter incorporated by letters patent or certificate of incorporation may, from time to time by by-law, dispose of shares at such times, to such persons and on such terms and conditions, and at such premium or discount, or in such manner, as the directors may think advantageous to the company.

When by-law not valid in case of—

2. If the proposed disposition be at a discount, then such by-law shall not be valid or acted upon until,—

Mining companies.

(*a*) in the case of mining companies, such by-law be confirmed by the shareholders at a meeting duly called for that purpose; and

Other companies.

(*b*) in the case of other companies, such by-law be confirmed by a resolution passed at a meeting of which at least twenty days' notice shall be given to each shareholder and at which there are present in person or by proxy shareholders holding not less than two-thirds of the issued capital stock of the company, and such by-law or certified copy thereof has been filed with the Secretary of State and notice thereof given in the *Canada Gazette*.

Man., 1913, Cap. 35, S. 45.
Man., 1913, Cap. 129, S. 2.

Liability of directors declaring a dividend when company is insolvent, etc.

**63.** The directors shall not declare or pay any dividend or bonus when the company is insolvent, or any dividend or bonus the payment of which renders the company insolvent, or diminishes the capital thereof; but if any director present when such dividend or bonus is declared forthwith, or, if any director then absent, within twenty-four hours after he has become aware thereof, and able so to do, enters his written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Secretary of State, such director may thereby, and not otherwise, exonerate himself from liability.

How director may avoid such liability.

Case of companies with wasting assets.

2. Nothing in this section shall prevent a mining company or a company whose assets are of a wasting character from

declaring or paying dividends out of its funds derived from the operations of the company.

How far capital may be impaired.

3. The powers conferred by subsection two may be exercised notwithstanding that the value of the net assets of the company may be thereby reduced to less than the par value of the issued capital stock of the company if the payment of the dividends do not reduce the value of its remaining assets so that they will be insufficient to meet all the liabilities of the company exclusive of its nominal paid-up capital.

Dividends, how payable.

4. A dividend may be paid by distributing in specie or in kind assets of the company not exceeding in value the amount of the dividend.

Approval of shareholders.

5. The powers conferred by subsection two shall not be exercised by any such company unless under the authority of a by-law passed by the directors and confirmed by a resolution passed at a general meeting duly called for that purpose, at which there are present in person or by proxy shareholders holding not less than two-thirds of the issued capital stock of the company.

Validity of payments.

6. Where dividends have already been paid by such a company in any of the cases mentioned in subsection two, the payment thereof shall be deemed valid if a by-law adopting and approving the same is passed by the directors and approved by vote of the shareholders in the manner mentioned in subsection five.

Ont., 1914, Cap. 178, S. 95.

Stock dividends.

**64.** For the amount of any dividend which the directors may lawfully declare a stock dividend and issue therefor shares of the company as fully paid or partly paid, or may credit the amount of such dividend on the shares of the company already issued, but not fully paid, and the liability of the holders of such shares shall be reduced by the amount of such dividend.

Ont., 1914, Cap. 178, S. 96.

No loan by company to shareholders.

**65.** No loan shall be made by the company to any shareholder, and if such a loan is made all directors and other officers of the company making the same and in any wise assenting thereto, shall be jointly and severally liable to the company for the amount thereof, and also to third parties to the extent of such loan with interest, for all debts of the company contracted from the time of the making of the loan to that of the repayment thereof.

Ont., 1914, Cap. 178, S. 97.

Liability of directors for wages.

**66.** The directors of the company shall be jointly and severally liable to the labourers, servants and

apprentices thereof for all debts not exceeding three months wages due for services performed for the company while they are such directors respectively.

No liability until—

2. A director shall not be liable under subsection one unless,—

Company sued, etc.

(*a*) the company has been sued for the debt within six months after it has become due and execution has been returned unsatisfied in whole or in part; or

Company in liquidation, etc.

(*b*) the company has within that period made an assignment for the benefit of creditors or gone into liquidation or has been ordered to be wound up and the claim for such debt has been duly filed and proved;

Unless sued while director, etc.

nor unless he sued for such debt while a director or within one year after he has ceased to be a director.

Liability for amount unsatisfied on execution.

3. If execution has so issued the amount recoverable against the director shall be the amount remaining unsatisfied on the execution.

On payment director entitled to assignment of judgment, etc.

4. If any claim for such debt has been proved, under an assignment or in liquidation or winding-up proceedings, a director, upon payment of the debt, shall be entitled to any preference which the creditor paid would have been entitled to, and where a judgment has been recovered he shall be entitled to an assignment of the judgment.

Ont., 1914, Cap. 178, S. 98.

## Part VIII.

### INCREASE AND DECREASE OF CAPITAL STOCK, ETC.

Supplimentary certificates in certain cases.

**67.** The directors of a company may from time to time pass a by-law authorizing an application to the Secretary of State for the issue of "supplementary certificate" providing for—

Varying capital. Re-dividing shares.

(*a*) increasing or decreasing the capital;

(*b*) re-dividing the capital of the company into shares of smaller or larger amount;

Varying powers.

(*c*) limiting the powers of the company or extending them to such objects within the scope of this Act as the company may desire;

Amending certificate.

(*d*) varying any provision contained in the "certificate" of incorporation" or "supplementary certificate;"

Making other provisions.

(*e*) making provision for any other matter or thing in respect of which provision might have been made by the original certificate.

Confirmimg by-law.

2. The application shall not be made until the by-law has been confirmed by a resolution passed at a general meeting duly called for considering the same, at which there are present in person or by proxy shareholders holding not

less than two-thirds of the issued capital stock of the company.

Increase of capital.

3. The capital shall not be increased until ninety per centum of the authorized capital has been subscribed and fifty per centum paid thereon.

Rights of creditors preserved.

4. On a reduction of the capital of a company the liability of shareholders to persons who at the time of such reduction are creditors shall remain as though the reduction had not been made.

Ont., 1914, Cap. 178, S. 16.

Sufficiency of material to be established.

**68.** Before a certificate of incorporation or supplementary certificate is issued the applicants shall establish to the satisfaction of the Secretary of State the sufficiency of the memorandum of association, by-laws, resolution and all documents filed on such application, and shall furnish such evidence of the bona fides of the application as he may deem necessary.

Notice required.

2. The Secretary of State may require public notice to be given of any application for a supplementary certificate.

Ont., 1914, Cap. 178, S. 17.

Proofs of matters under this Act.

**69.** The Secretary of State or any officer to whom the application may be referred, may take evidence under oath.

Ont., 1914, Cap. 178, S. 18.

Conditions may be imposed in certificate.

**70.** The certificate of incorporation or supplementary certificate may impose any conditions with respect to the by-laws of a company or any amendments thereof, and in such event the company shall not carry on its undertaking, or any part thereof, nor shall the by-laws be of any force or validity until the conditions so imposed are complied with.

Ont., 1914, Cap. 178, S. 19.

Providing for appointment of auditor.

**71.** The certificate of incorporation or supplementary certificate may authorize the Secretary of State whenever he sees fit to appoint an auditor to examine the books of the company or an insepctor to inspect its undertaking and affairs, or to call a general meeting of its shareholders or members, upon such terms as may be therein set out.

Ont., 1914, Cap. 178, S. 20.

Future legislation.

**72.** The company shall be subject to such further and other provisions as the Parliament of Canada may hereafter deem expedient, in order to secure the due management of

its affairs and the protection of its shareholders and creditors.

Man., 1913, Cap. 35, S. 22.

## Part IX.

### MINING COMPANIES.

"Company" defined.

**73.** In this part the word "company" means a company incorporated for mining purposes, and this part shall only apply to such companies.

Limitation of shareholders' liability.

**74.** Where application is made for the incorporation of any company the certificate of incorporation may, if the petition of the applicants so requires, contain a provision that no liability beyond the amount actually paid upon shares in such company by the subscribers thereto or holders thereof shall attach to such subscriber or holder.

Man., 1913, Cap. 129, S. 3.

Certificates of stock what to contain.

**75.** Where the letters patent or certificate incorporating any company contain the provision mentioned in the last preceding section every certificate of shares issued by the company shall bear upon the face thereof, distinctly written or printed in red ink over the name of the company, the words, "issued under section 74 of 'The Companies Act' and non-assessable."

Man., 1913, Cap. 129, S. 4.

"Non-personal liability" to appear on documents issued by company.

**76.** Every mining company, the charter or certificate of which contains the said provision, shall have written or printed on its charter or certificate, prospectuses, share certificates, bonds, contracts, agreements, notices, advertisements and other official publications, and in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices and receipts of the company, immediately after or under the name of such company, and shall have engraved upon its seal the words "Non-personal liability;" and every such company which refuses or knowingly neglects to comply with this section shall incur a penalty of twenty dollars for every day during which such words are not so kept written or printed; and every director and manager of the company who knowingly and wilfully authorizes or permits such default shall be liable to the like penalty.

Man., 1913, Cap. 129, S. 5.

Sale of stock on non-payment of calls.

**77.** If any call or calls on shares in a company so incorporated remain unpaid by the subscriber thereto, or holder thereof, for a period of sixty days after notice and demand of payment, such shares may be declared to be in default and the secretary of the company may advertise such shares for sale at public auction to the highest bidder for cash by giving notice of such sale in some newspaper published at the place where the principal office of the company is situated, or, in case no newspaper is published thereat, then in a newspaper published in the nearest place to said office, for a period of one month; and said notice shall contain the number of the certificate or certificates of such shares, the number of shares, the amount of the assessment due and unpaid and the time and place of sale; and, in addition to the publication of the notice aforesaid, notice shall be personally served upon such shareholder by registered letter mailed to his last known address; and if the subscriber or holder of such shares shall fail to pay the amount due upon such shares, with interest upon the same and cost of advertising, before the time fixed for such sale, the secretary shall proceed to sell the same such portion thereof as shall suffice to pay such assessment, together with interest and cost of advertising: Provided that, if the price of the shares so sold exceed the amount due with interest and costs thereon, the excess thereof shall be paid to the defaulting shareholder.

Proviso.

Man., 1913, Cap. 129, S. 6.

Extent of liability of shareholders.

**78.** No shareholder or subscriber for shares in any company so incorporated shall be personally liable for non-payment of any calls made upon his shares, beyond the forfeiture and sale, in the event of non-payment of such calls, of the amount, if any, already paid on the shares held or subscribed for, nor shall such shareholder or subscriber be personally liable for any debt contracted by the company or for any sum payable by the company, beyond the amount, if any, unpaid by him upon such shares.

Man., 1913, Cap. 129, S. 7.

Stock may be five million dollars.

**79.** Notwithstanding anything herein contained, the original capital stock of any mining company may be five millions of dollars or less, but shall not exceed that amount unless the whole of the authorized capital of the company shall have been taken up and thirty per centum paid in.

Man., 1913, Cap. 129, S. 8.

## PART X.

### PROSPECTUS AND DIRECTORS' LIABILITY.

Interpretation.

**80.** In this Part, unless the context otherwise requires,—

"Company."

(*a*) " company " shall include a company proposed to be incorporated;

"Prospectus."

(*b*) " prospectus " shall mean any prospectus, notice, circular, advertisement or other invitation offering for subscription or purchase any shares, debentures, debenture stock, or other securities of a company, or published or issued for the purpose of being used to promote or aid in the subscription or purchase of such shares, debentures, debenture stock or securities.

Application of this Part.

2. This Part, except section eighty-three, shall apply to every company, whether formed before or after the commencement ot this Act, which offers to the public for subscription, hares, debentures, debenture stock or other securities.

When company deemed to be offering shares, etc. to the public.

3. Where a company or any of its officers, agents or brokers, or any person employed or authorized by it for that purpose, directly or indirectly, invites or solicits either orally or by a prospectus or any other means, any other person to apply or subscribe for or to buy or otherwise acquire any shares, debentures, debenture stock or other securities of the company or where any person who has subscribed for or underwritten or to whom has been allotted the whole or the major part of any issue of the company's shares, debentures, debenture stock or other securities so invites or solicits any person to apply or subscribe for or to buy or otherwise acquire any of such last mentioned shares, debentures, debenture stock, the company shall be deemed to offer to the public for subscription within the meaning of this Act its shares, debentures, debenture stock, or other securities.

Ont., 1914, Cap. 178, S. 99.

When a commission may be paid.

**81.** Upon any offer of shares to the public for subscription, a company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any such shares, if the payment of the commission and the amount or rate of the commission paid or agreed to be paid are disclosed in the prospectus, and the commission paid or agreed to be paid does not exceed the amount or rate so authorized.

2. Except as provided by subsection one no company shall apply any of its shares or capital, either directly or indirectly in payment of any commission, discount or allowance to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company or procuring or agreeing to procure subscriptions, whether absolute or conditional for any such shares, whether the shares or capital be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or be paid out of the nominal pruchase money or contract price, or otherwise. Capital not to be applied in paying commissions except as authorized.

3. Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay. Brokerage may be paid.

Ont., 1914, Cap. 178, S. 100.

**82.** Every company before offering to the public for subscription shares, debentures, debenture stock, or other securities shall issue a prospectus as hereinafter set out. What companies must file prosectus.

2. All purchases, subscriptions or other acquisitions of shares, debentures, debenture stock or other securities of any company, required to file a prospectus or a statement in lieu of a prospectus, shall be deemed, as against the company and the signatories to the prospectus or statement, to be induced by such prospectus or statement, any term, proviso or condition thereof to the contrary notwithstanding. Purchases, subscriptions, etc. deemed to be induced by prospectus.

3. A subscription for shares, debentures, or debenture stock shall not be binding on the subscriber unless at or before the subscription there is delivered to him a copy of the prospectus, if any, issued by the company, or if a prospectus has not been issued, a copy of the statement mentioned in section eighty-three. Delivery of copy of prospectus or statement before subscription.

4. The subscriber, to be entitled to the benefit of subsection three must elect to withdraw his subscription before or within ten days after notice of the allotment to him of the shares or debenture stock for which he has subscribed. Subscriber after notice must elect to withdraw.

Ont., 1914, Cap. 178, S. 101.

**83.** A company which does not issue a prospectus on or with reference to its formation shall not allot any of its shares, debentures, debenture stock unless before the first allotment there has been filed with the Secretary of State a statement, form two, in lieu of a prospectus signed by every person who is named therein as a director or proposed director of the company or by his agent authorized in writing. Statement in lieu of prospectus.

Limitation.

2. This section shall not apply to shares subscribed for by the persons who sign the memorandum of association.

Ont., 1914, Cap. 178, S. 102.

Date of prospectus.

**84.** Every prospectus issued by or on behalf of a company shall be dated, and the date shall, unless the contrary is proved, be taken as the date of issue of the prospectus.

Prospectus to be signed and filed.

2. A copy of every such prospectus shall be signed by every person who is named therein as a director or proposed director or provisional director of the company, or by his agent authorized in writing, and shall, together with the authority in writing, verified by affidavit, be filed with the Secretary of State before its issue.

Not to be filed until signed.

3. The Secretary of State shall not receive or file any prospectus unless it is so dated and signed.

Not to be issued until filed.

4. No prospectus shall be issued until so filed, and every prospectus shall state on the face of it that it has been so filed.

Ont., 1914, Cap. 178, S. 103.

What to be disclosed in prospectus.

**85.** Every prospectus issued by or on behalf of a company, or by or on behalf of any person who is or has been engaged or interested in the formation or promotion of the company shall state,—

Particulars as to incorporators.

(*a*) the names, descriptions and addresses of the origina incorporators, and the number of shares subscribed for by them respectively;

Qualification and remuneration of directors.

(*b*) the number of shares, if any, fixed as the qualification of a director, and any provision in the by-laws of the company as to the remuneration of the directors;

Directors.

(*c*) the names, descriptions and addresses of the directors or proposed directors;

Subscription upon which allotment may proceed.

(*d*) the minimum subscription on which the directors may proceed to allotment, and the amount payable on application and on allotment on each share; and, in the case of a second or subsequent offer of shares, the amount offered for subscription on each previous allotment, made within the two next preceding years, and the amount actually allotted, and the amount, if any, paid on the shares so allotted;

Time of calls.

(*e*) the time or times at which under the by-laws of the company, a further call or calls may be made upon shares subscribed for;

Shares and bonds allotted for other than cash consideration.

(*f*) the number and amount of shares, debentures, debenture stock which within the next two preceding years have been issued, or agreed to be issued, as fully or partly paid for, otherwise than in cash, and in the latter case the extent to which they are so paid for, and in either case the consideration for which those

shares, debentures, debenture stock have been issued or are proposed or intended to be issued;

(*g*) the names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of issue of the prospectus, and the amount payable in cash, shares, debentures, debenture stock or other securities to the vendor, or the company is a sub-purchaser, the amount so payable to each vendor, but where the vendors or any of them are a firm the members of the firm shall not be treated as separate vendors; Vendors of property to company.

(*h*) the amount, if any, paid or payable as purchase money in cash, shares, debentures, or debenture stock or other securities, for any such property, specifying the amount, if any, payable for good-will; Consideration for purchase.

(*i*) the amount, if any, paid within the two next preceding years or payable as commission for subscribing, or agreeing to subscribe, or procuring or agreeing to procure subscriptions for any shares in the company, or for underwriting or procuring underwriting of any securities issued or to be issued by the company, or the rate of any such commission; Commissions.

(*j*) the amount or estimated amount of preliminary expenses; Preliminary expenses.

(*k*) the amount paid within the three next preceding years or intended to be paid in cash, shares, debentures, debenture stock or other securities, to any promoter and the consideration for any such payment; Promoter's remuneration.

(*l*) the dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected; but this shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than three years before the date of issue of the prospectus; Particulars as to material contracts.

(*m*) the names and addresses of the auditors, if any, of the company; Names, etc., of auditors.

(*n*) full particulars of the nature and extent of the interest, if any, of every director in the promotion of or in the property proposed to be acquired by the company, or where the interest of such director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares by any person either to induce him to become, or to Interest of directors in property taken by company.

qualify him as, a director or otherwise for services rendered by him in connection with the promotion or formation of the company.

"Vendor" what to include.

2. For the purpose of this section the word "vendor" shall extend to and include a person who has entered into any contract, absolute or conditional, for the sale or purchase or for any option of purchase, of any property to be acquired by the company where,—

(*a*) the purchase is not fully paid at the date of issue of the prospectus; or

(*b*) the purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or

(*c*) the contract depends for its validity or fulfilment on the result of such issue.

When "vendor" includes "lessor."

3. Where any of the property to be acquired by the company is to be taken on lease, this section shall apply as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease and the rent, and the expression "sub-purchaser" included a sub-leasee.

Requirements as to original incorporators not essential where issued more than one year after general meeting.

4. The requirements as to the original incorporators and the qualification, remuneration, and interest of directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a prospectus issued more than one year after the date of the first general meeting.

Obligation to disclose material contracts limited.

5. In the case of a prospectus issued more than one year after the date of such meeting, the obligation to disclose all material contracts shall be limited to a period of two years next preceding the issue of the prospectus.

When prospectus advertised in newspapers.

6. Where the prospectus is published in a newspaper it shall not be necessary to specify in the advertisement the names of the original incorporators and the number of shares subscribed for by them.

Application of section.

7. This section shall not apply to a circular or notice inviting existing shareholders or debenture holders, or debenture stock holders, of a company to subscribe for further shares, debentures, or debenture stock; but, except as hereinbefore provided, this section shall apply to any prospectus whether issued on or with reference to the formation of a company or subsequently.

Waiver of compliance with section to be void.

8. Any condition requiring or binding any applicant for shares or debentures, or debenture stock, to waive compliance with any requirements of this section, or purporting to affect him with notice of any contract, document or matter not specifically referred to in the prospectus shall be void.

Ont., 1914, Cap. 178, S. 104.

**86.** Every provisional director, director or other person responsible for the issue of a prospectus for every violation of any of the provisions of the next preceding three sections shall incur a penalty not exceeding two hundred dollars, unless Penalty.

(*a*) as regards any matter not disclosed, he was not cognizant thereof; or Exceptions.

(*b*) the non-compliance arose from an honest mistake of fact on his part:

(*c*) in the case of non-compliance with the requirements of paragraph (*n*) of subsection one of section eighty-five it is proved that he had no knowledge of the matters not disclosed.

2. Nothing in this section or the next preceding three sections shall limit or diminish any liability which any person may incur under the general law apart from this Act.

Ont., 1914, Cap. 78, S. 105.

**87.** Where a prospectus or notice invites subscriptions for shares, debentures, debenture stock or other securities of a company, every person who is a director of the company at the time of the issue of the prospectus or notice, and every person who having authorized such naming of him is named in the prospectus or notice as a director of the company, or as having agreed to become a director of the company, either immediately or after an interval of time, and every promoter of the company and every person who has authorized the issue of the prospectus or notice, shall be liable to pay compensation to all persons who subscribe for any shares, debentures, debenture stock or other securities on the faith of such prospectus or notice for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved that,— Liability for statements in prospectus.

(*a*) having consented to become a director of the company he withdrew his consent before the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent; or Exceptions.

(*b*) the prospectus or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued; or

(*c*) after the issue of such prospectus or notice and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of such withdrawal and of the reason therefor; or

(*d*) with respect to every untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement that he had reasonable ground to believe and did up to the time of the allotment of the shares or debentures, as the case may be, believe that the statement was true; or

(*e*) with respect to every untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, that it fairly represented the statement, or was a correct and fair copy of or extract from the report or valuation, but the director, person named as director, promoter, or person who authorized the issue of the prospectus, shall be liable to pay compensation as aforesaid, if it is proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; or

Imp. Act, 8 Edw. VII, c. 69, s. 84, (1), (*a*), (*b*), (*c*).

(*f*) with respect to every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document.

Who to be deemed a promoter.

2. A promoter in this section shall mean a promoter who was a party to the preparation of the prospectus or notice, or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting solely in a professional capacity for persons engaged in procuring the formation of the company.

Ont., 1914, Cap. 178, S. 107.

Statements in prospectus for raising further capital.

**88.** Where a company which has issued shares, debentures, debenture stock or other securities, is desirous of obtaining further capital by subscriptions for shares, debentures, debenture stock or other securities, and for that purpose issues a prospectus or notice, no director of such company shall be liable in respect of any statement therein unless he authorized the issue of such prospectus or notice or adopted or ratified it.

Ont., 1914, Cap. 178, S. 108.

Indemnity where name of person has been improperly inserted.

**89.** Where any such prospectus or notice contains the name of a person as a director of a company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent before the issue of such prospectus or notice, and has not authorized or consented to the issue thereof, the directors of the company, except any without whose

knowledge or consent the prospectus or notice was issued, and any other person who authorized the issue of such prospectus or notice shall be liable to indemnify the person named as director of the company, or as having agreed to become a director thereof against all damages, costs, charges and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof.

Ont. 1914, Cap. 178, S. 109.

Contribution from co-director.

**90.** Every person who by reason of his being a director or named as a director, or as having agreed to become a director, or of his having authorized the issue of the prospectus or notice, has become liable to make any payment under the provisions of this Act, shall be entitled to recover contribution, as in cases of contract, from any other person who, if sued separately, would have been liable to make the same payment, unless the person who has become so liable was, and that other person was not, guilty of a fraudulent misrepresentation.

Ont., 1914, Cap. 178, S. 110.

Circulating misleading documents.

**91.** Where any advertisement, letter head, postal card, account or document issued, published or circulated by any corporation, association or company, or any officer, agent or employee of any such corporation, association or company, purports to state the capital of the company, then, unless it is stated to be the authorized capital, the capital actually and in good faith subscribed, and no more, shall be stated.

Sask., 1909, Cap. 72, S. 61 in part.

False statement as to subscribed capital.

2. Any such corporation, association, company, officer, agent or employee who causes to be inserted an advertisement in any newspaper, or who publishes, issues or circulates or causes to be published, issued or circulated, any advertisement, letter head, postal card, account or document which states the capital of such company otherwise than as mentioned in subsection one, or which contains any untrue or false statement as to the incorporation, control, supervision, management or financial standing of such corporation, association or company, and which statement is intended or calculated or likely to mislead or deceive any person dealing or having any business or transaction with said corporation, association or company, or with any officer, agent, or employee of the association, corporation or company, shall, upon summary conviction, be liable to a penalty not exceeding two hundred dollars and not less than fifty dollars, and costs, and, in default of payment,

False statement as to incorporation, etc.

Penatly

the offender being an officer, agent or employee as aforesaid, shall be imprisoned for a term not exceeding three months and not less than one month; and, on the second or any subsequent conviction, he may be imprisoned for a term not exceeding twelve months and not less than three months.

Man., 1913, Cap. 35, S. 97, in part.

## Part XI.

### ALLOTMENT.

Application of Part XI.

**92.** This Part shall apply to all companies except those which do not offer shares, debentures, or debenture stock to the public for subscription.

Ont., 1914, Cap. 178, S. 111.

Restrictions on allotment, Imp. Act, 1908, s. 85.

**93.** No allotment shall be made of any share capital offered to the public for subscription unless,

(*a*) the amount, if any, named in the prospectus as the minimum subscription upon which the directors may proceed to allotment; or,

(*b*) if no amount is so named, the whole amount of the share capital so offered for subscription,

has been subscribed, and the sum payable on application for the amount so named, or for the whole amount offered for subscription has been paid to and received by the company.

Minimum subscription.

2. The amount so named and the whole amount shall be reckoned exclusively of any amount payable otherwise than in cash, and is in this Act referred to as the minimum subscription.

Amount payable on application.

3. The amount payable on application on each share shall not be less than five per cent of the nominal amount of the share.

Repayment where conditions not complied with.

4. If such conditions have not been complied with on the expiration of ninety days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to them without interest, and if any such money is not so repaid within one hundred days after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest from the expiration of the ninety days, but a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part.

Extension of time.

5. The Secretary of State may extend the times by this section limited.

6. Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void. Condition as to waiving compliance void.

7. This section, except subsection three, shall not apply to any allotment of shares subsequent to the first allotment of shares offered by a public company. Not to apply to public companies.

Ont., 1914, Cap. 178, S. 112.

**94.** An allotment made by a company to an applicant in contravention of the foregoing provisions shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company, and not later, and shall be so voidable notwithstanding that the company is in course of being wound up. Effect of irregular allotment. Imp. 1908, s. 86.

2. If any director of a company knowingly contravenes or permits or authorizes the contravention of any of the foregoing provisions with respect to allotment he shall be liable to compensate the company and the allottee respectively for any loss, damages or costs which the company or the allottee may have sustained or incurred thereby. Director to compensate company and allottee.

3. Proceedings to recover such loss, damages or costs shall not be commenced after the expiration of two years from the date of the allotment. Proceedings to be commenced within two years.

Ont., 1914, Cap. 178, S. 113.

**95.** A company shall not commence any business or exercise any borrowing powers unless:— Restrictions on commencement of business, Imp. 1908, s. 87.

(*a*) shares held subject to the payment of the whole amount thereof in cash have been allotted to an amount not less in the whole than the minimum subscription; and,

(*b*) every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered to the public, and,

(*c*) there has been filed with the Secretary of State a statutory declaration by the secretary or one of the directors in the prescribed form, that such conditions have been complied with and the Secretary of State has certified as provided by subsection two.

2. The Secretary of State may, on the filing of this statutory declaration, certify that the company is entitled to commence business, and the certificate shall be conclusive evidence that the company is so entitled, but upon it being shown that the certificate was made upon any false statement or upon the witholding of any material statement, the Secretary of State may cancel and annul such certificate. Certificate that company may commence business. Cancellation of certificate.

Effect of contracts previously made.

3. Any contract made by a company before the date at which it is entitled to commence business shall be provisional only, and shall not be binding on the company until that date, and on that date it shall become binding.

Simultaneous offer of shares and debentures.

4. Nothing in this section shall prevent the simultaneous offer for subscription or allotment of any shares, debentures or debenture stock or the receipt of any money payable on any application.

Penalty for commencing business before proper time.

5. If any company commences business or exercises borrowing powers in contravention of this section every person who is responsible for the contravention shall, without prejudice to any other liability, incur a penalty not exceeding fifty dollars for every day during which the contravention continues.

Innocent non-compliance with subsection one hereof.

6. Where a company has commenced business without having complied with the requirements of subsection one of this section, and the Secretary of State is satisfied that the non-compliance was due to inadvertence, error, or mistake, and that before commencing business the conditions mentioned in clauses (*a*) and (*b*) of this section had been complied with, he may authorize the company to file a statutory declaration *nunc pro tunc*, and if it is filed within one month after the date of such authorization it shall have the same effect as if it had been filed before the company commenced business.

Ont., 1914, Cap. 178, S. 114.

Moneys to be held in trust.

**96.** All sums received by the company or by any promoter, director, officer or agent thereof shall be held in trust by the company or such promoter, director, officer or agent until deposited in a chartered bank to the credit of the company and shall be so deposited and there remain in trust until the issue of the certificate under section ninety-five by the Secretary of State.

Ont., 1914, Cap. 178, S. 115.

Return of allotments, Imp. Act, 1908, s. 88.

**97.** Where a company makes any allotment of its shares, it shall, within two months thereafter, file with the Secretary of State,—

(*a*) a return of the allotments stating the number and nominal amount of the shares comprised in each allotment, the names, addresses and descriptions of the allottees, and the amount, if any, paid or due and payable on each share; and

(*b*) in the case of shares allotted in whole or in part for a consideration other than cash, a contract in writing constituting the title of the allottee to such allotment, together with any contract of sale, or for services or other consideration in respect of which such allotment

was made and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

Penalty for default.

2. If default is made in complying with the requirements of this section, every director, manager, secretary or other officer of the company who is knowingly a party to the default shall incur a penalty not exceeding fifty dollars for every day during which the default continues.

Ont., 1914, Cap. 178, S. 116.

## Part XII.

### MEETING OF SHAREHOLDERS.

First meeting.

**98.** The provisional directors of a company which does not offer shares, debentures or debenture stock to the public for subscription, shall call a general meeting of the company to be held at a convenient place within twelve months from the date of the certificate of incorporation for the purpose of electing directors, appointing auditors, sanctioning the by-laws of the company, and transacting such other business as may be necessary to enable the company to carry on its undertaking, and shall, at least ten days before the day on which such meeting is to be held, give notice of such meeting by registered letter addressed to each shareholder, setting out in detail the business to be transacted and matters to be considered thereat.

Notice.

Report at first meeting

2. The provisional directors shall report to such meeting,—

(*a*) the number of shares subscribed;

(*b*) the names of the subscribers;

(*c*) the amount paid thereon;

(*d*) all contracts entered into by or on behalf of the company;

(*e*) the amount of the preliminary expenses, and

(*f*) a financial statement of the affairs of the company signed by the auditors, if any.

Shareholders may call.

3. If the meeting is not called by the provisional directors as aforesaid, any three or more shareholders may call the meeting.

Ont., 1914, Cap. 178, S. 43.

Statutory meetings.

**99.** Every company which has offered or does offer shares, debentures or debenture stock to the public for subscription shall, within a period of not more than three months from the date at which the company is entitled to commence business, hold a general meeting of its shareholders which shall be called the statutory meeting.

Report to be sent to shareholders.

2. The directors shall, in the case of such company, at least ten days before the day on which the meeting is to be held, send to every shareholder a report certified by not less than two directors, stating,—

(*a*) the total number of shares alloted, distinguishing shares alloted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

(*b*) the total amount of cash received by the company in respect of such shares so distinguished;

(*c*) an abstract of the receipts and payments of the company on capital account to the date of the report and an account or estimate of the preliminary expenses of the company;

(*d*) the names, addresses and descriptions of the directors, auditors, if any, manager, if any, and secretary of the company; and

(*e*) the particulars of any contract, the modification of which is to be submitted to the meeting for its approval, together with the particulars of the modification or proposed modification.

Report to be certified by auditors.

3. The report, so far as it relates to the shares allotted by the company, and to the cash received in respect of such shares, and to the receipts and payments of the company on capital account, shall be certified as correct by the auditors, if any, of the company.

Report to be filed with Secretary of State.

4. The directors shall cause a copy of the report so certified to be filed with the Secretary of State forthwith, after the sending thereof to the shareholders.

Lists of shareholders to be produced at meeting.

5. The directors shall cause a list showing the names, descriptions and addresses of the shareholders and the number of shares held by them, respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any shareholder during the continuance of the meeting.

Shareholders may discuss business of company at meeting.

6. The shareholders present at the meeting shall be at liberty to discuss any matter relating to the formation of the company, or arising out of the report, whether previous notice has or has not been given, but no resolution of which notice has not been duly given may be passed.

Adjournments.

7. The meeting may adjourn from time to time, and at any such adjourned meeting any resolution of which notice has been duly given, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting.

Application to court of default made

8. If default is made in filing such report in holding the statutory meeting, then at the expiration of fourteen

days after the last day on which the meeting ought to have been held, any shareholder may apply to the court for the winding up of the company, and the court may either direct that the company be wound up or give directions for the report being filed or a meeting being held, or make such other order as may be deemed just, and may order that the costs of the application be paid by any person who, in the opinion of the court is responsible for the default. in holding meeting.

Ont., 1914, Cap. 178, S. 117.

**100.** In default of other express provision in the by-laws of a company, notice of the time and place for holding general meetings of every company, including the annual and special meetings, shall be given at least ten days previously thereto by registered letter to each shareholder at his last known address, and by an advertisement in a newspaper published at or as near as may be to the place where the company has its head office and to the chief place of business of the company, if these differ. Notice of meeting.

Ont., 1914, Cap. 178, S. 44.

**101.** The annual meeting of the shareholders of the company shall be held at such time and place in each year as the by-laws of the company may provide, and, in default of any such provisions, on the second Wednesday in February in every year. Annual meeting.

2. The directors shall, at least seven days before the day on which the meeting is held, send by post to every shareholder a report containing,— Report to be sent shareholders.

(*a*) a balance sheet made up to a date not more than three months before such annual meeting; Balance sheet.

(*b*) an abstract of income and expenditure for the financial period ending upon the date of such balance sheet; Abstract of income and expenditure.

(*c*) the report of the auditor or auditors; Auditor's report.

(*d*) such further information respecting the company's financial position as the by-laws of the company may require; and the directors shall lay such report before the meeting. Further necessary information.

3. Every balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities, namely,— Balance sheet to show assets and liabilities.

(*a*) cash;

(*b*) debts owing to the company from its customers;

(*c*) debts owing to the company from its directors, officers and shareholders;

(*d*) expenditures made on account of future business;

(*f*) land, buildings and plant;

(*g*) goodwill, franchise, patents and copyrights, trade-marks, leases, contracts and licenses;
(*h*) debts owing by the company secured by mortgage or other lien upon the property of the company;
(*i*) debts owing by the company but not secured;
(*k*) amount received on common shares;
(*l*) amount received on preferred shares;
(*m*) indirect and contingent liabilities.

When report need not be sent.

4. If the by-laws of the company so provide it shall not be necessary to send the report mentioned in subsection two to the shareholders.

Ont., 1914, Cap. 178, S. 45.

Special general meeting by directors on requisition therefor.

**102.** Upon the receipt of a requisition in writing signed by the holders of not less than one-tenth of the subscribed shares of the company setting out the objects of the proposed meeting, the directors, or if there is not a quorum in office the remaining directors or director, shall forthwith convene a special general meeting of the company for the transaction of the business mentioned in the requisition.

By shareholders.

2. If the meeting is not called and held within twenty-one days from the date upon which the requisition was left at the head office of the company, any shareholders holding not less than one-tenth in value of the subscribed shares of the company whether they signed the requisition or not, may themselves convene such special general meeting.

By directors.

3. The directors may, at any time, of their own motion, call a special general meeting of the company for the transaction of any business.

Notice of.

4. Notice of any special general meeting shall state the business which is to be transacted at it.

Ont., 1914, Cap. 178, S. 46.

Waiver of notice.

**103.** The absence or defect of notice in manner required by this Act or any by-law of any meeting shall not prevent the holding of the meeting if such absence or defect is waived by the person or persons to whom notice should have been given.

Presiding officer.

Chairman to be elected when necessary.

**104.** The president shall preside as chairman at every general meeting of the company, and if there is no president or vice-president, or if at any meeting neither of them is present within fifteen minutes after the time appointed for holding the meeting, the shareholders present shall choose one of their number to be chairman.

Ont,. 1914, Cap. 178, S. 47.

Adjournment by consent.

**105.** The chairman may, with the consent of the meeting and subject to such conditions as the meeting may decide,

adjourn any meeting from time to time and from place to place.

Ont., 1914, Cap. 178, S. 48.

Procedure as to resolution.

**106.** At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried and an entry to that effect in the minutes of the company, shall be *prima facie* evidence of the fact without proof of the number or proportion of the votes recorded in favor of or against such resolution.

Taking vote when poll is demanded.

2. If a poll is demanded, it shall be taken in such manner as the by-laws prescribed, and if the by-laws make no provision therefor, then as the chairman may direct.

Casting vote.

3. In the case of an equality of votes, at any general meeting, the chairman shall be entitled to a second or casting vote.

Ont., 1914, Cap. 178, S. 49.

Votes.

Shareholders in arreas not to vote.

**107.** Subject to the by-laws at all meetings of shareholders every shareholder shall be entitled to as many votes as he holds shares in the company, and may vote by proxy, but no shareholder in arrear in respect of any call shall be entitled to vote at any meeting.

Ont., 1914, Cap. 178, S. 50.

Proxy.

**108.** The instrument appointing a proxy shall be in writing under the hand of the appointer, or of his attorney duly authorized in writing, or if the appointer is a company, either under the common seal or under the hand of an officer or attorney so authorized, and shall cease to be valid after the expiration of one year from the date thereof.

Qualification of proxy.

2. No person shall act as a proxy unless he is entitled on his own behalf to be present and vote at the meeting at which he acts as proxy or has been appointed to act at that meeting as proxy for a company.

Not to vote on show of hands.

3. A proxy for an absent shareholder shall not have the right to vote on a show of hands.

Form of.

4. An instrument appointing a proxy may be according to form 3 or such other form as may be prescribed by the by-laws of the company and shall not contain anything but the appointment of the proxy or a revocation of a former instrument appointing a proxy.

Revocation of

5. An instrument appointing a proxy may be revoked at any time.

Ont., 1914, Cap. 178, S. 51.

Where meetings to be held.

**109.** Meetings of the shareholders, directors and executive committees shall be held at the place where the registered office of the company is situate except when

otherwise provided by the by-laws of the company, but shall not be held out of Canada unless so authorized by by-law confirmed at a general meeting of shareholders, or a meeting specially called to consider the same.

Ont., 1914, Cap. 178, S. 52.

## PART XIII.

### PROVISIONS FOR PROTECTION OF CREDITORS.

Registered office of company.

**110.** Every company under this Act shall have a registered office within Canada to which all communications may be addressed.

Penalty for doing business without office.

2. If a company under this Act carries on business without having such an office it shall upon summary conviction be liable to a penalty not exceeding twenty-five dollars for every day during which business is so carried on.

Sask., 1909, Cap. 78, S. 100.

Notice of situation of office.

**111.** Notice of the situation of such registered office and of any change therein shall be given to the Secretary of State and recorded by him; and until such notice is given the company shall not be deemed to have complied with the provisions of this Act with respect to having a registered office.

Sask., 1909, Cap. 78, S. 101.

Use of word "Limited."

**112.** Every company incorporated under this Act shall have the word "Limited" or the contraction "Ltd." as a part of, and at the end of, its name, and the name of every company heretofore incorporated under the *Companies Act*, being chapter 79 of the *Revised Statutes of Canada, 1906*, or any Act or Acts for which said Act was substituted, which had not the said word or contraction as a part of its name, shall be deemed to be and shall be changed accordingly.

Contraction 'Ltd."

2. The contraction "Ltd." may be used by any company instead of the word "Limited."

Where and how name, with "Limited" or "Ltd.", to be used.

3. The company shall keep its name, including the word "Limited," or the contraction "Ltd." painted or affixed in letters easily legible, in a conspicuous position on the outside of every office or place in which the business of the company is carried on, and shall have its name, including the said word or contraction, engraven in legible characters on its seal, and shall have its name, including the said word or contraction, in legible characters, mentioned in all notices, advertisements and other official publications of the company, and in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods,

purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices and receipts of the company.

4. If any company violate any of the provisions of this section it shall be liable, on summary conviction before a justice of the peace, to a penalty of twenty dollars, and for a second or subsequent offence a penalty of fifty dollars. Penalty for violation of this section.

Man., 1913, Cap. 35, S. 23.

**113.** Any statement of claim, summons, notice, order or other process or document requiring to be served upon the company may, in addition to any other method of service from time to time provided by any Act or rule of court in that behalf, be served by leaving the same at the registered office of the company with any adult person in the employ of the company or by leaving it with the president or secretary of the company, or if the company has no registered office or has no known present president or secretary, a judge of the court wherein the proceedings is taken may order such publication as he deems requisite to be made in the premises, and such publication shall be held to be due service upon the company. Service on company.

Sask., 1909, Cap. 72, S. 115.

## Part XIV.

### CONTRACTS.

**114.** 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 in the company or otherwise, shall be binding upon the company, and 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, nor shall the party so acting as agent, officer or servant of the company be thereby subjected individually to any liability whatsoever to any third party therefor: Contracts when to be binding on company.

Provided, always, that nothing herein contained shall be construed to authorize the company to issue any note payable to the bearer thereof, 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 insurance as aforesaid. Proviso as to notes, banking an insurance.

Man. 1913, Cap. 35, S. 66.

## Part XV.

### POWERS WITH REFERENCE TO REAL ESTATE.

Company may acquire, hold and transfer real estate.

**115.** Every company to which this Act applies, subject to the limitations contained in its letters patent or certificate of incorporation, may acquire, hold, alienate, and convey real estate requisite for the carrying of the business of such company, and in case of a company incorporated for the purpose of the buying and selling of land (hereinafter called a land company), may acquire, hold, alienate and convey real estate in addition to any real estate requisite for the business of the company, and every such company shall forthwith become and be invested with all property and rights real and personal, theretofore held by or for the company under a trust created with a view to its incorporation, and with all the powers, privileges and immunities requisite to the carrying on of its undertaking as though the company had been incorporated by a special Act, making the company a body politic and corporate and embodying all the provisions herein contained and of the letters patent or certificate of incorporation.

Provision in case of land company.

Man., 1913, Cap. 35, S. 67.

Dealings with land by land companies.

**116.** Every such land company may mortgage or convey or make an agreement of sale of land without the assent of the shareholders, and it shall be sufficient if each such conveyance, mortgage, or agreement be specially authorized by a by-law passed by the board of directors. This provision shall be retroactive and shall apply to all such transactions heretofore entered into by any such land company.

By-laws sufficient.

Man., 1913, Cap. 35, S. 68.

Company may take security on or acquire lands as security for pre-existing debts.

**117.** Subject to the limitations contained in its letters patent or certificate of incorporation, any company heretofore or hereafter incorporated shall be capable of taking, holding, and acquiring all such lands and tenements real and personal estate, as may or shall have been *bona fide* mortgaged to such company by way of security for, or conveyed to it in satisfaction of, debts previously contracted in the course of its business, or purchased at judicial sales upon levy for such indebtedness, or otherwise purchased for the purpose of avoiding a loss to the company in respect thereof, or of the owner thereof.

Man., 1913, Cap. 35, S. 69.

## Part XVI.

### BORROWING MONEY—DEBENTURES—MORTGAGES OF COMPANY'S PROPERTY.

**118.** The directors of a company may make by-laws,— By-laws for—

(*a*) for borrowing money; Borrowing;

(*b*) for issuing bonds, debentures or other securities; Issuing bonds, etc.;

(*c*) for pledging or selling such bonds, debentures or securities for such sum and at such prices as may be deemed expedient or be necessary; Pledging or selling the bonds, etc.;

(*d*) for charging, hypothecating, mortgaging or pledging any or all of the real or personal property, rights and powers, undertaking, franchises, including book debts, and unpaid calls, of the company to secure any bonds, debentures or other securities or any liability of the company; provided that a duplicate original of such charge, mortgage, or other instrument of hypothecation or pledge, made to secure bonds, debentures, or other securities of a like nature, shall be forthwith filed in the office of the Secretary of State; Mortgaging property of company; Filing with Secretary of State;

(*e*) for creating and issuing any part of the capital as preference shares; Preference shares;

(*f*) for creating and issuing debenture stock; Debenture stock;

(*g*) for the conversion of preference shares into common shares or debentures or debenture stock, debentures into debenture stock or preference shares, or any class of shares or securities into any other class; Conversion of securities.

Provided, however, that nothing in this section shall apply to promissory notes, bills of exchange, bills of lading, warehouse receipts or other securities of a commercial nature issued in the ordinary course of business. Proviso.

Man., 1913, Cap. 35, S. 71.

**119.** No by-law referred to in the last preceding section shall, in the case of a company, other than a land company, take effect until it has been confirmed by a resolution passed at a general meeting duly called for considering the same by notice specifying the nature of the by-law to be confirmed, at which there are present in person or by proxy shareholders holding not less than two-thirds of the issued capital stock of the company. By-laws must be confirmed by shareholders.

Man., 1913, Cap. 35, S. 72.

## PART XVII.

### PREFERENCE SHARES.

Privileges and conditions.

**120.** Any by-law for the creation and issue of preference shares, or for the conversion of debentures or debenture stock into preference shares, may provide that the holders of such shares shall have such guarantee or any right of preference, whether in respect of dividend or of repayment of capital, or both, or any such other special privilege or advantage over any other shares previously issued, or then about to be issued (other than shares issued at a preference), or with such deferred rights as compared with any shares previously issued or then about to be issued, as may be therein set out; that the holders may have the right to select a certain stated proportion of the board of directors and such other control over the affairs of the company as may be considered expedient, or such by-law may limit the right of the holders of said preference shares to specific dividends or in the control of the affairs of the company, and also may restrict or suspend the right of the holders thereof as to voting; such by-law may provide for the purchase or redemption of such shares by the company as therein set out; provided that any term or provision of such by-law, whereby the rights of holders of such shares are limited or restricted, shall be fully set out in the certificate of such shares and, in the event of such limitations and restrictions not being so set out, they shall not be deemed to qualify the rights of holders thereof.

Man., 1913, Cap. 31, S. 73.

Redemption, conversion and cancellation.

**121.** Unless preference shares, debenture stock, debentures or bonds are issued subject to redemption, or conversion, without the consent of the holders thereof, the directors of the company may pass by-laws providing for the purchase or acquisition by the company of such stock, or parts thereof, with the consent of the holders, and for the cancellation of the stock so purchased or acquired, and for the reduction pro rata, according to the amount of stock so cancelled, of any reserve set apart or required to be set apart in respect of such preference stock.

Man., 1913, Cap. 35, S. 74.

Preference by-laws subject to section sixty-seven hereof.

**122.** Any by-law under either of the two preceding sections which has the effect of increasing or decreasing the capital stock of the company, shall be subject to the provisions of section sixty-seven of this Act.

Man., 1913, Cap. 35, S. 75.

## Part XVIII.

### BOOKS AND INSPECTION.

Books to be kept and what to contain.

**123.** The company shall cause the secretary, or some other officer specially charged with that duty, to keep in addition to the register of shareholders, a book or books wherein shall be kept recorded,—

Copy of certificate.

(*a*) a copy of the letters patent or certificate of incorporation and of any supplementary letters patent or certificate issued to the company, and, if incorporated by special Act, a copy of such Act, and the by-laws of the company duly authenticated;

All transfers in order.

(*b*) 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;

Names of all directors.

(*c*) the names, post office addresses and calling of all persons who are or have been directors of the company, with the date at which each person became or ceased to be such director.

Man., 1913, Cap. 35, S. 59.

Books to be kept at head office.

**124.** The books mentioned in the next preceding section and in section twenty-one shall be kept at the head office of the corporation within Canada, whether the company is permitted to hold its meetings out of Canada or not.

Penalty for removal.

2. Any director, officer or employee of a company who removes or assists in removing such books from Canada or who otherwise contravenes the provisions of this section shall be guilty of an offence and on summary conviction shall be liable to a penalty of two hundred dollars.

Proviso.

3. Upon necessity therefor being shown and adequate assurance given that such books may be inspected within Canada by any person entitled thereto after application for such inspection to the Secretary of State, or a judge, he may relieve any company permitted to hold its meetings out of Canada from the provisions of this section upon such terms as he may see fit.

Ont., 1914, Cap. 178, S. 119.

Untrue entries.

**125.** No director, officer, or employee of the company shall knowingly make or assist in making any untrue entry in any of its books, or refuse or neglect to make any proper entry therein.

Penalty.

2. Any person wilfully violating the provisions of this section shall be liable in damages for all loss or injury which any person interested may have sustained thereby.

Ont., 1914, Cap. 178, S. 120.

Books to be open for inspection.

**126.** The books mentioned in section one hundred and twenty-three, shall, during reasonable business hours of every day, except holidays, be kept open for the inspection of shareholders and creditors of the corporation and their personal representatives or agents, at the head office or chief place of carrying on its undertaking, and every such shareholder, creditor, agent or representative may make extracts therefrom.

Liability for refusal to allow inspection of books.

2. Any director or officer who refuses to permit any person entitled thereto to inspect such books, or make extracts therefrom, shall on summary conviction of the offence, incur a penalty not exceeding one hundred dollars.

Ont., 1914, Cap. 178, S. 122.

Books to be *prima facie* evidence.

**127.** The books mentioned in sections twenty-one and one hundred and twenty-three shall be *prima facie* evidence of all facts purporting to be therein stated in any action or proceeding against the company or against any shareholder.

Ont., 1914, Cap. 178, S. 123.

Books of accounts to be kept.

**128.** The directors shall cause proper books of account to be kept containing full and true statements of,—

(*a*) The financial transactions of the company;

(*b*) the assets of the company;

(*c*) the sums of money received and expended by the company, and the matter in respect of which such receipt or expenditure took place;

(*d*) the credits and liabilities of the company; and

(*e*) a book or books containing minutes of all the proceedings and votes of the company, or of the board of directors, respectively, verified by the signature of the president or other presiding officer of the company.

Ont., 1914, Cap. 178, S. 124.

False returns, etc.

Penalty.

**129.** If any person in any return, report, certificate, balance-sheet, or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular he shall on summary conviction of the offence, be liable to imprisonment for a term not exceeding three months, and shall incur a penalty not exceeding one hundred dollars in lieu of or in addition to such imprisonment.

Ont., 1914, Cap. 178, S. 125.

## Part XIX.

### AUDITORS.

"Company" defined.

**130.** In this part the word "company" means a company which offers or has offered to the public for subscription shares, debentures, debenture stock or other securities.

Annual audit.

**131.** The accounts of a company shall be examined once at least in every year, and the correctness of the balance sheet shall be ascertained by an auditor or auditors.

Ont., 1914, Cap. 178, S. 127.

First auditors.

**132.** The first auditors of a company may be appointed by the directors before the first meeting of the shareholders or members, and shall hold office until the first general meeting.

Ont., 1914, Cap. 178, S. 128.

Subsequent auditors.

**133.** Thereafter the auditors shall be appointed by resolution at a general meeting of the company and shall hold office until their successors are appointed, unless previously removed by a resolution of the shareholders in general meeting.

Ont., 1914, Cap. 178, S. 129.

Auditors may be shareholders.

**134.** The auditors may be shareholders of the company but no person shall be eligible as an auditor who is interested, otherwise than as a shareholder, in any transaction of the company; and no director, officer or employee of the company shall be eligible as auditor during his continuance in office.

Ont., 1914, Cap. 178, S. 130.

In default Secretary of State may appoint.

**135.** If an appointment of auditors is not made at an annual meeting, the Secretary of State or a judge, on the application of any shareholder of the company, may appoint an auditor for the current year and fix the remuneration, if any, to be paid to him by the company for his services.

Ont., 1914, Cap. 178, S. 131.

Directors may fill casual vacancy.

**136.** The directors of a company may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors if any, may act, and any auditor shall be eligible for re-appointment.

Ont., 1914, Cap. 178, S. 132.

Remuneration of auditors.

**137.** The remuneration of the auditors shall be fixed by the company in general meeting except that the remuneration of any auditors appointed before the first general meeting or to fill any casual vacancy may be fixed by the directors.

Ont., 1914, Cap. 178, S. 133.

Rights and duties of auditors.

**138.** Every auditor so appointed shall have the right of access at all times to the books, accounts and vouchers,

of the company, and may require from the directors and officers of the company such information and explanation as may be necessary for the performance of his duties.

Certificate and report.

2. The auditors shall sign a certificate at the foot of the balance-sheet stating whether or not their requirements as auditors have been complied with, and shall make a report to the shareholders on the accounts examined by them, and on every balance-sheet laid before the company in general meeting during their tenure of office; and in every such report shall state whether, in their opinion, the balance-sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs as shown by its books; and such report shall be read at the general meeting.

Reading at general meeting.

Ont., 1914, Cap. 178, S. 134.

Return required by Secretary of State.

**139.** The Secretary of State may, whenever he sees fit, require a company to make a return upon any subject connected with its affairs, and the company shall make the return within the time mentioned in the notice requiring the same.

## Part XX.

### ANNUAL STATEMENT.

Certain statements of affairs to be made annually.

**140.** Every company incorporated under the provisions hereof, or under the provisions of the *Companies Act*, being chapter seventy-nine of the Revised Statutes of Canada, 1906, or of any other Act or Acts for which the said Act was substituted, shall, on or before the first day of February in every year, make a list in duplicate, verified as is hereinafter required, of all persons who on the thirty-first day of December previously were shareholders of the company, and such list shall state the names, alphabetically arranged, and the addresses and callings of such persons, the amounts of shares held by them, and the amounts unpaid thereon; and shall also make out a summary, verified as hereinafter required, of the state of the affairs of the company on the thirty-first day of December preceding, which shall contain the following particulars:—

To show names of shareholders, etc.

Names of officers.

(*a*) the names, residences and post office addresses of the directors, the secretary, the treasurer and the auditor or auditors of the company;

Amount of capital, etc.

(*b*) the amount of the capital of the company, and the number of shares into which it is divided;

Number of shares taken.

(*c*) the number of shares taken from the commencement of the company up to the thirty-first day of December preceding the summary;

(*d*) the amount of shares, if any, issued free from call; if none is issued, this fact to be stated; Stock issued free of call.

(*e*) the amount issued subject to call; Subject to call.

(*f*) the amount of calls made on each share; Calls made.

(*g*) the total amount of calls received; Amount received.

(*h*) the total amount of calls unpaid; Calls unpaid.

(*i*) the total amount of shares forfeited; Shares forfeited.

(*j*) the total amount of shares which have never been allotted or taken up; Unallotted shares.

(*k*) the total amount for which shareholders of the company are liable in respect of unpaid shares held by them, respectively. Amount unpaid.

Man., 1913, Cap. 35, S. 80.

**141.** If the company be a land company, the said summary shall also show the number of lots or parcels of land and the acreage thereof held by the company and when purchased. Land companies to show number of acres held.

Man., 1913, Cap. 35, S. 81.

**142.** The said summary may also, after giving the information hereinbefore required, give in a concise form such further information respecting the affairs of the company as the directors may consider expedient. Additional information may be given.

Man., 1913, Cap. 35, S. 82.

**143.** The said list and summary, and every duplicate thereof required by the provisions hereof, shall be written or printed on only one side of the sheet or sheets of paper containing the same. Mode of writing the same.

Man., 1913, Cap. 35, S. 83.

**144.** The said list and summary shall be verified by the affidavit of the president and secretary, and if there be no such officers, or they or either of them are or is at the proper time out of Canada or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require, and if the president or secretary do not make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit. Verification thereof.

Man., 1913, Cap. 35, S. 84.

**145.** One of the duplicate lists and summaries, with the affidavit of verification, shall be posted in the head office of the company in Canada on or before the second day of February, and the company shall keep the same so posted until another list and summary shall be posted under the provisions hereof; and the other duplicate list and Posting thereof.

Deposit in Department of Secretary of State.

summary with the affidavit of verification, shall be deposited in the Department of the Secretary of State on or before the eighth day of February next after the time hereinbefore fixed for the making of the same.

Man., 1913, Cap. 35, S. 85.

Penalty for default.

**146.** If any company makes default in complying with the provisions of sections one hundred and forty to one hundred and forty-five, such company shall incur a penalty of twenty dollars every day during which default continues, and every director, manager or secretary who shall knowingly and wilfully authorize or permit such default shall incur the like penalty. If any company makes such default for three successive years, its charter or letters patent or certificate of incorporation shall *ipso facto* be thereby revoked and cancelled, but any such revocation or cancellation shall not affect the liability of the company or its shareholders for any debts or liabilities of the company.

Man., 1913, Cap. 35, S. 86.

## Part XXI.

### INVESTIGATIONS.

Appointment of inspector to investigate affairs and management of company and report of judge.

**147.** Upon an application by not less than one-fifth in value of the shareholders of a company, a judge may, if he deems it necessary, appoint an inspector to investigate the affairs and management of the company, who shall report thereon to such judge, and the expense of such investigation shall, in the discretion of such judge, be defrayed by the company, or by the applicants or partly by the company and partly by the applicants, as he may order, and, if he thinks fit, he may require the applicants to give security to cover the probable cost of the investigation, and he may make necessary rules and prescribe the manner in which and the extent to which the investigation shall be conducted. The judge may, if he deems it necessary, examine the officer or directors of the company under oath as to matters that come in question. The report of such inspector shall be *prima facie* evidence of the facts therein stated, and shall be received as such in all proceedings before any court in the Province.

Report *prima facie* evidence.

Powers of judge in conducting investigation of company.

2. In relation to the matters aforesaid, and in conducting the said investigation, the said judge shall have all the powers which a judge now has or hereafter may have in connection with civil matters in the province, and may make any orders respecting such investigation as to him may seem fit and proper.

3. A company may, by resolution passed at the annual meeting, or at a special general meeting called for the purpose, appoint an inspector to examine into the affairs of the company. The inspector so appointed shall have the same powers and perform the same duties as an inspector appointed by a judge, with this exception, that instead of making his report to such judge he shall make the same in such manner and to such persons as the company by said resolution directs. Appointment of inspector by company.

4. It shall be the duty of all officers and agents of the company to produce, for examination by any such inspector or judge, all documents and books in their custody or power, and such inspector or judge may examine upon oath or affirmation all officers or agents of the company in relation to its business, and may administer such oath or affirmation accordingly. If an officer or agent of the company refuses to produce any document or book directed to be produced by such inspector or by said judge, or to answer any question relating to the affairs of the company, proceedings to commit such officer or agent of the company for contempt of court, similar to those prescribed by the provincial law in the case of a refusal by an officer of a company to answer questions put to him on his examination for discovery or to produce papers, books or documents, may be had and taken. Examination of books and documents of company, also of their officers and agents. Proceedings in case of refusal to answer questions or produce books, etc.

Man., 1913, Cap. 35, S. 76.

**148.** The Secretary of State or a judge may appoint one or more competent inspectors for the purpose of examining into the affairs of any corporation, association or company incorporated under any special or general Act of the Parliament of Canada and obtaining a report thereon, in the following cases, that is to say— Appointment of inspectors to examine affairs of company.

(*a*) in the case of any company that has a capital divided into shares, upon application of shareholders having not less than one-fiftieth part of all the shares for the time being issued; On request of shareholders of company having shares.

(*b*) in the case of any company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the registers of the company as members; On request of members of company not having shares.

(*c*) in case it is made to appear that it is in the interests of justice that an inspection be had, then upon application of any one having, or claiming to have, any interest in the company. On request of any person interested.

Man., 1913, Cap. 35, S. 98.

Evidence in support of application.

**149.** Every application for any of the purposes aforesaid shall be supported by such evidence as the Secretary of State or a judge may require, and shall also show that the applicants have good reason for requiring such investigation to be made, and the applicant or applicants may also be required to give security for the payment of the costs of the inquiry.

Security for costs.

Company to produce books and documents.

2. It shall be the duty of the officers and agents of the company to produce for the examination of the inspectors all books and documents in their custody or power. Any inspector may examine on oath the officers and agents or any director or shareholder of the company in relation to its business or proceedings and may administer such oath accordingly. If any officer, agent, director or shareholder refuses to produce any book or document directed to be produced, or to answer any question relating to the affairs or proceedings of the company, he shall, on summary conviction before a justice of the peace, be liable to a penalty of not less than twenty-five dollars and not exceeding fifty dollars in respect of each offence.

Inspectors may take evidence on oath.

Penalty for refusal to produce books or answer questions.

Man., 1913. Cap. 35, S. 99 and 100.

Notice of examination under oath.

**150.** Where an inspector deems it necessary to examine under oath any officer, agent, director or shareholder of the company, he shall cause to be served upon the officer, agent, director or shareholder, at least forty-eight hours before the time fixed for such examination, an appointment in writing stating the time and place of such examination, and if the officer, agent, director or shareholder so served with such appointment shall fail to attend without good cause at the said time and place, he shall be liable to the same penalty as set out in the preceding section.

Penalty for failure to attend.

Man., 1913. Cap. 35, S. 101.

Inspector to report.

**151.** Upon the conclusion of the examination, the inspector or inspectors shall report his or their opinion on the several matters inquired into to the Secretary of State or judge by whom he was appointed, and the Secretary of State or such judge shall direct by whom and in what manner the costs of the inquiry shall be paid.

Costs.

Man., 1913, Cap. 35, S. 102.

Counsel.

**152.** The Secretary of State or a judge may appoint counsel to advise with and act for the inspectors in any case in which it is necessary or in the interests of justice so to do.

Man., 1913, Cap. 35, S. 103.

**153.** The inspectors, or anyone acting with them or by their direction shall not divulge or make known in any way the fact that they are making an inspection or examination of the affairs of the company. except as may be necessary in conducting the same and in the report thereof to the Secretary of State or a judge.

Fact that inspection is being made not to be divulged.

Man., 1913, Cap. 35, S. 104.

**154.** 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.

How by-laws proved.

Man., 1913, Cap. 35, S. 87.

**155.** The Governor General in Council may, from time to time establish, alter, and regulate the tariff of the fees to be paid on application for certificate of incorporation and supplementary certificate of incorporation under the provisions hereof, and he may designate the Department or Departments through which the issue thereof shall take place, and may prescribe the forms of proceedings and record in respect thereof and all matters requisite for carrying out objects of the provisions herein contained; such fees may be made to vary in amount, under any rule or rules, as to the nature of the company, amount of capital and otherwise, as may be expedient, and no steps shall be taken in any Department towards the issue of any certificate or supplementary certificate, under the provisions thereof, until the amount of all fees therefor shall have been duly paid.

Fees on certificate, etc., to be fixed by order in council.

Man., 1913, Cap. 35, S. 88.

**156.** Whenever any change of name is made under section ten of this Act, the applicants shall pay the sum of five dollars in addition to the fee payable under the order-in-council on the issue of such certificate.

Fee for change of name.

Man., 1913, Cap. 35, S. 89.

**157.** Every company whose capital stock does not exceed one hundred thousand dollars shall pay a fee of one dollar to the Secretary of State upon the filing of the list and summary required by section one hundred and fourty, and every other company shall pay a fee of two dollars to the Secretary of State upon such filing.

Fees for filing annual returns.

Man. 1913, Cap. 35, S. 90.

## PART XXII.

### GENERAL.

Restrictions as to holding real estate.

**158.** Unless other provisions of this Act or special statutory enactments apply, any land or interest therein at any time acquired by the company and not required for its actual use and occupation or for the purposes of its business, or not held by way of security, shall not be held by the company or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, or after it has ceased to be required for its actual use and occupation or for the purposes of its business, but shall be absolutely sold and disposed of, so that the company shall no longer retain any interest therein, unless by way of security.

Forfeiture of.

2. Any such land or interest therein not within the exceptions hereinbefore mentioned, held by the company for a longer period than seven years, without being disposed of, shall be forfeited to His Majesty for the use of Canada.

Extension of time for holdings.

3. The Secretary of State or a judge may from time to time extend such period of time, not exceeding in the whole twelve years, and no such forfeiture shall take effect or be enforced until the expiration of at least six months after notice in writing to the company of the intention of His Majesty to claim the same, and during such six months the company may dispose of the land or its interests therein.

Statement to be furnished to Secretary of State.

4. The company shall give to the Secretary of State, when required, a full and correct statement of all lands or interests therein at the date of such statement held by or in trust for the Company.

Ont., 1914, Cap. 178, S. 26.

Forfeiture of charter for non-user.

**159.** If a company incorporated by letters patent or certificate of incorporation does not go into actual *bona fide* operation within three years after incorporation or for three consecutive years does not use its corporate powers, such powers, except so far as is necessary for the winding up of the company, shall be *ipso facto* forfeited.

Proof of user.

2. In any action or proceeding where such nonuser is alleged, proof of user shall lie upon the company.

Rights of creditors not affected.

3. No such forfeiture shall affect prejudicially the rights of creditors as they exist at the date of the forfeiture.

Ont., 1914, Cap. 178, S. 28.

Company with less than five members exercising corporate powers,

**160.** If a company exercises its corporate powers when the number of its shareholders is less than five, for a period of more than six months after the number has been so reduced, every person who is a shareholder of the company

during the time that it so exercised its corporate powers after such period of six months and is cognizant of the fact that it so exercises its corporate powers, shall be severally liable for the payment of the whole of the debts of the company contracted during such time, and they may be sued for the same without the joinder in the action of the company or of any other shareholder. shareholders personally liable.

2. A shareholder who has become aware that the company is so exercising its corporate powers may serve a protest in writing on the company and may by registered letter notify the Secretary of State of such protest having been served and of the facts upon which it is based, and such shareholder may thereby and not otherwise from the date of his protest and notification exonerate himself from liability. Shareholder by protest may relieve himself from liability.

3. If after notice from the Secretary of State the company refuses or neglects to bring the number of its shareholders up to five such refusal or neglect may be regarded by the Secretary of State as sufficient cause for the revocation of the letters patent or certificate of incorporation of the company. Revocation of charter of number of shareholders not brought up to five.

Ont., 1914, Cap. 178, S. 30.

**161.** Where a company has ceased to carry on business, except for the purpose of winding up its affairs, and has no debts or obligations that have not been provided for or protected the directors may pass by-laws for distributing the assets of the company or any part of them among the shareholders. Distribution of assets on ceasing to carry on business.

2. The by-law shall not take effect unless or until it is approved by a resolution passed at a general meeting duly called for considering the same, at which there are present in person or by proxy shareholders holding not less than two-thirds of the issued capital stock of the company, and by a judge, on application after such notice as he may direct. Conditions.

Ont., 1914, Cap. 178, S. 15.

**162.** The charter of any company incorporated by letters patent or certificate of incorporation may be surrendered and cancelled if the company proves to the satisfaction of a judge on application after such notice as he may direct,— Surrender and cancellation of certificate.

(*a*) that it has no debts or obligations; or, On what condition.

(*b*) that it has parted with its property, divided its assets rateably amongst its shareholders and has no debts or liabilities; or,

(*c*) that the debts and obligations of the company have been duly provided for or protected or that the creditors of the company or other persons holding them consent; and,

Notice to be published.

(*d*) that the company has given notice of the application for leave to surrender by publishing the same once in the *Canada Gazette*, and once in a newspaper published at or as near as may be to the place where the company has its head office.

Order of Secretary of State.

2. The Secretary of State upon a certificate of the judge of due compliance with the provisions of this section, may accept a surrender of the charter and direct its cancellation, and fix a date upon and from which the company shall be dissolved, and the corporation shall thereby and thereupon become dissolved accordingly.

Man., 1913, Cap. 35, S. 78 and S. 79 in part.

Termination of corporate existence upon petition.

**163.** The corporate existence of a company incorporated otherwise than by letters patent or under this Act may be terminated by order of the Secretary of State upon petition therefor by such company under like circumstances, in like manner and with like effect as a company incorporated by letters patent or certificate may surrender its incorporation.

Ont., 1914, Cap. 178, S. 32.

Revocation of charter.

**164.** The letters patent or certificate by which a company is incorporated and any supplementary letters patent or certificate amending or varying the same, may, at any time, be declared to be forfeited and may be revoked and made void by the Secretary of State on sufficient cause being shown, upon such conditions and subject to such provisions as he may deem proper.

Ont., 1914, c. 178, s. 29.

Certificate of incorporation may be revoked.

**165.** The Secretary of State may, at any time, revoke any letters patent or certificate of incorporation granted under this Act or under the *Companies Act*, being chapter seventy-nine of the Revised Statutes of Canada, 1906, or under any other Act or Acts for which the said Act was substituted, if the company makes default in complying with provisions of sections one hundred and forty to one hundred and forty-six, both inclusive. Any such letters patent or certificate of incorporation so revoked shall be null and void as to any matter occurring subsequent to such revocation.

Man., 1913, Cap. 35, S. 77 in part.

Regulations of Secretary of State.

**166.** The Secretary of State may make regulations with respect to,—

(*a*) the cases in which notice of application for incorporation or a supplementary certificate must be given;

(*b*) the forms of certificate of incorporation, supplementary certificate, notices and other instruments and

documents relating to applications and other proceedings;

(*c*) the form and manner of the giving of any notice required by this Act;

(*d*) such other matters as he may deem necessary or expedient for carrying out the objects and provisions of this Act, and such regulations shall be published in the *Canada Gazette*, and shall be laid before the Parliament of Canada forthwith if Parliament is then in session, and if not then in session within fifteen days after the opening of the next session.

Ont. 1914, Cap. 178, S. 33.

When revocation, cancellation or surrender of certificate due to inadvertance, accident or neglect, the Secretary of State may under certain conditions order same to be revived and restored.

**167.** In any case where an order under sections one hundred and sixty-four and one hundred and sixty-five hereof, has been made by the Secretary of State declaring to be forfeited, revoking or making void any letters patent or certificate of incorporation at any time heretofore or hereafter issued, it shall be competent for any person who was a shareholder in or a creditor of the company affected by such order at the time of the making thereof to apply to a judge upon notice to the Secretary of State for a certificate that the omission of the company to make returns as required by law was due to inadvertence, accident or neglect of the officers or servants of the company, and that such forfeiture, revocation or avoidance of the incorporation will result in loss or serious inconvenience to the applicant, and the judge on hearing the application and the evidence adduced in support thereof, may grant such a certificate, whereupon, if returns are filed and fees paid, and all other like defaults remedied within sixty days after such certificate, the Secretary of State shall record the fact of such certificate, and that such returns have been made, fees paid and defaults remedied, and shall certify thereto, and publish notice to that effect in the *Canada Gazette* at the expense of said applicant, and upon such certificate being granted the incorporation shall be revived, and the company shall be restored to its legal position as at the time of the order-in-council in the same manner and to the same extent as if there had been no such forfeiture, revocation, or avoidance, of the letters patent or certificate of incorporation.

Man. 1913-14, Cap. 22, S. 1.

Application to court or judge in province where head office situated.

**168.** Where any application is authorized to be made under this Act to the court or a judge, such application shall in all cases be made to the court or a judge in the province where the head office of the company is situated, and this Act shall not be construed to confer upon the

courts of any other province jurisdiction to entertain such application.

Commencement of Act.

**169.** This Act shall come into force on the first day of July, one thousand nine hundred and seventeen, and upon the coming into force of this Act chapter seventy-nine of the Revised Statutes of Canada, 1906, shall be repealed.

## SCHEDULE OF FORMS.

### Form I.

MEMORANDUM OF ASSOCIATION.

(1) The name of the company is "
Limited."

(2) The registered office of the company will be situated in

(3) The objects for which the company is established are

(4) The liability of the shareholders is limited.

(5) The capital of the company is dollars, divided into shares of dollars each.

(6) The provisional directors are

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

| Names, addresses, and descriptions of subscribers. | No. of shares taken by each subscriber. |
|---|---|
| | |

Dated the day of 19

Witness to above signatures:
A. B., of

Sask., 1909. Form A.

## Form 2.

THE COMPANIES ACT.

Statement in lieu of Prospectus, filed by Limited, pursuant to section 83.

Presented for filing by

STATEMENT IN LIEU OF PROSPECTUS.

The nominal share capital of the company, $ divided into .....shares of $ each.

Names, descriptions, and addresses of directors or proposed directors.

Minimum subscription (if any) on which the company may proceed to allotment.

| | |
|---|---|
| Number and amount of shares and debentures agreed to be issued as fully or partly paid-up otherwise than in cash. The consideration for the intended issue of those shares and debentures. | 1. shares of $ fully paid.<br>2. shares upon which $ per share credited as paid.<br>3. debenture $<br>4. Consideration. |
| Names and addresses of vendors of property purchased or acquired, or proposed to be purchased or acquired by the company. Amount (in cash, shares or debentures) payable to each separate vendor. | |
| Amount, if any, paid or payable (in cash or shares or debentures) for any such property, specifying amount, if any, paid or payable for goodwill. | Total purchase price, $<br>Cash " $<br>Shares " $<br>Debentures " $<br>Goodwill " $ |
| Amount, if any, paid or payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares or debentures in the company, or | Amount paid<br>Amount payable |
| Rate of Commission..... | Rate per cent. |
| Estimated amount of preliminary expenses..... | |
| Amount paid or intended to be paid to any promoter. | Name of promoter<br>Amount $ |
| Consideration for payment. | Consideration |

Dates of, and parties to, every material contract (other than contracts entered into in the ordinary course of business) intended to be carried on by the company or entered into more than two years before the filing of this statement.

Time and place at which the contracts or copies thereof may be inspected.

Names and addresses of the auditors of the company (if any).

Full particulars of the nature and extent of the interest of every director in the promotion of or in the property proposed to be acquired by the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise, by any person either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company.

Whether the articles contain any provisions precluding holders of shares or debentures receiving and inspecting balance sheets or reports of the auditors or other reports.

Nature of the provisions.

(Signatures of the persons named as directors or proposed directors, or of their agents in writing.)

Ont., 1914, Cap. 178, Form 5.

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## Form 3.

### INSTRUMENT OF PROXY.

Company, Limited.

I, of

a shareholder of Company, Limited,

hereby appoint of

(naming the proxy) as my proxy to vote for me and on my behalf at the meeting of the company, to be held on the day of , 19 , and at any adjournment thereof.

Dated this day of , 19 .

Note.—

(1) Where the appointer is a corporation or an officer of it, the necessary changes must be made in the form.

(2) Where the instrument is signed by a corporation, its common seal must be affixed.

Ont., 1914, Cap. 178, Form 6.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 43.

An Act respecting Companies.

First reading, April 27, 1917.

MR. MACLEAN
(Halifax).

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 44.

An Act to incorporate "Alliance Nationale."

WHEREAS the Alliance Nationale, hereafter called "the Provincial Association," has by its petition represented, that it is a fraternal benefit association incorporated by chapter eighty-four of the statutes of Quebec, 1893, and pursuant to a resolution passed by its General Council at its last session on August the seventh, 1916, 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:— Que. 1893, c. 84.

**1.** Charles Duquette, accountant, Georges Monet, accountant, Théodule Cypihot, physician, Francis Fauteux, advocate, Joseph-Avila Lapierre, physician, Louis-Arsène Lavallée, advocate, K.C., Joseph Contant, druggist, and Hormisdas Laporte, merchant, all of the city of Montreal; Philias-Hector Bédard, physician, of the city of Quebec; François-Charles Leberge, civil engineer, and Eugène-Honoré Godin, advocate, K.C., both of Outremont; Alfred St-Cyr, insurance broker, of Westmount; Louis-Omar Dauray, notary, of St-Denis; Dalbé Viau, architect, of Lachine; and François-Albert Labelle, notary, of Hull; together with such persons as are now members of the Provincial Association, or who may hereafter become members of the association hereby incorporated, are incorporated under the name of "Alliance Nationale," hereinafter called "the Association." Incorporation. Name.

**2.** The objects of the Association shall be,— Objects.

(*a*) to unite in a brotherhood all persons who may become members of the Association under its by-laws;

(*b*) to give every possible moral and material aid to its members and those dependent upon them,

(i) by promoting their moral, intellectual and social education;

(ii) by aiding them in misfortune, in sickness and in old age, and by defraying expenses of burial;

(iii) by paying a stipulated sum or sums to such beneficiary as a deceased member while living may have designated, or to his legal heirs, failing his having designated such beneficiary; or to a member upon becoming totally and permanently disabled, or upon attaining such age or surviving such term of years as may be provided for in the contract issued in accordance with the by-laws of the Association;

(iv) by paying annuities to members;

(*c*) to secure for its members such other advantages as may lawfully be provided for by the by-laws of the Association.

Head office.

**3.** The head office of the Association shall be in the city of Montreal, in the province of Quebec.

Governing bodies.

**4.** The Association shall be governed by a representative body to be known as the General Council and by a board of executive members and officers to be known as the Executive.

General Council.

**5.** The General Council shall consist of the founders of the Provincial Association in good standing, of the members of the Executive and the other officers of the General Council, and of the delegates of the members at large and branches, as may be provided for by the by-laws of the Association.

Executive.

**6.** The Executive shall, until the next meeting of the General Council, be composed of the members of the Executive of the Provincial Association in office at the time this Act comes into effect, and thereafter of such persons as may be, from time to time, provided for by the by-laws of the Association.

Vacancies.

2. In the event of a vacancy occurring in the Executive the same may be filled from among the members by the remaining members of the Executive.

"Cercles," "Bureaux de Perception."

**7.** Subject to the by-laws of the Association, branches called "Cercles," or "Bureaux de Perception," may be established under the name, title and number set forth in the letters granted by the Association constituting such branches, and subject to such provisions and conditions and with such powers, not exceeding those conferred upon the Association by this Act, as the Association may determine.

2. No branch shall have the right to enter into any contract binding the Association without the assent of the Executive. Contracts.

**8.** In and for all cases, matters and things not otherwise specially provided for by this Act, the General Council in session, shall have power to enact such by-laws not inconsistent with the provisions of this Act and not contrary to law as may be deemed necessary or expedient. By-laws.

2. All enactments, repeal or amendment, by the General Council of any by-law shall require a majority vote of its members present at any session. Majority vote.

**9.** For the purpose of carrying out the provisions of this Act, the Executive as constituted by this Act, or hereafter by the General Council of the Association, may enact such by-laws not contrary to law or the provisions of this Act as may be deemed necessary or expedient; and may from time to time repeal, amend or re-enact such by-laws, but every such by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting or session duly called for that purpose, shall only have force until the next regular meeting or session of the Association, and in default of confirmation thereat shall, at and from that time, cease to have effect. Duration of by-laws.

**10.** The Association and its members shall be governed by the present by-laws and regulations of the Provincial Association until they are altered or re-enacted under the authority of this Act. Present by-laws to have effect.

**11.** The benefits granted by the Association shall be subject to the following limitations:— Limitation of benefits.

(*a*) The amount payable to any member on account of incapacity arising from accident or sickness shall not exceed ten dollars per week nor be payable for more than twenty-six weeks in any consecutive twelve months;

(*b*) The amount payable for defraying the funeral expenses of a member shall not exceed one hundred dollars;

(*c*) The amount payable at or subsequent to the death of any member, or at or subsequent to the occurrence of permanent disability of any member, or at or subsequent to his surviving a stated term of years in respect of the contract or contracts of insurance of such member, shall not exceed in value the sum of five thousand dollars, and the amount payable under

an annuity contract issued on any one life shall not exceed three hundred dollars annually.

Separate accounts.

2. Separate accounts and funds in respect of each of the three classes of benefits specified in the preceding subsection of this section shall be maintained for the benefit only of the members contributing the same, and the assets composing any of the said funds shall be liable and be used only for the claims and obligations under the particular benefits in respect of which contributions to that fund have been made.

General expense fund.

3. The Association shall, in addition to the said funds maintain a fund or funds in which account shall be kept of moneys belonging to the "Cercles" deposited with the Association for the purpose of safe-keeping and investment, and a general or expense fund from which all payments of the Association for general expenses and administration shall be paid.

Separate registers.

4. Separate and distinct registers and books of account shall be kept by the Association showing the members entitled to participate in each of the said funds, the receipts and payments in respect thereof, the amounts from time to time chargeable against it and every other matter and detail necessary to permit of the condition of each of the said funds being readily ascertained.

Maintenance of a reserve.

**12.** The Association shall maintain a reserve in respect of all its outstanding policies calculated on the basis of such tables of mortality, sickness and disability and of such rate of interest not exceeding four per cent per annum, as are in the opinion of the Superintendent of Insurance appropriate.

Actuary's valuation.

2. The Association shall, in addition to the annual and other statements required by *The Insurance Act*, file with the Superintendent of Insurance on or before the first day of March in each year, a valuation made by an actuary in such detail as the said Superintendent may require of all the Association's policies outstanding on the thirty-first day of December next preceding, and such valuation shall be accompanied by a certificate of the actuary to the effect that in his opinion the reserves disclosed by the said valuation together with the future contributions to be made by the members are sufficient to provide for all the obligations of the Association without further increase in the number or amount of the premiums then payable by the members. The reserves in each fund disclosed by the said valuation shall be carried as a liability of the fund.

Certificate.

Increase of reserve.

3. If, from an examination of the said valuation, the Superintendent of Insurance is of the opinion that the

reserves disclosed thereby are less than those required by subsection one of this section to be maintained, he may increase the reserves disclosed by the said valuation by such an amount as he believes to be necessary and such increased reserves shall be carried as liabilities of the funds.

"Actuary" defined.

4. In this Act the word "actuary" shall mean an actuary resident in Canada and being a Fellow of the Institute of Actuaries of Great Britain, or a Fellow of the Faculty of Actuaries of Scotland, or a Fellow of the Actuarial Society of America; provided however, that in special circumstances any actuary approved for the purpose by the Superintendent may perform the duties of an actuary required by this Act.

Payment of premiums.

**13.** The premiums or contributions for the several benefits granted by the Association shall be payable monthly, bi-monthly, quarterly, half-yearly, or annually in advance.

Approval of changes.

2. After the Association has obtained a license under *The Insurance Act*, no change shall be made in the insurance benefits of the Association or in the premiums or contributions payable therefor unless such change is approved by an actuary.

Investment of funds.

**14.** The Association may invest its funds or any portion thereof in 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 Association is carrying on business; or guaranteed by any municipal corporation in Canada; or secured by rates or taxes, levied under the authority of the Government of any province of Canada on property situated in such province and collectable by the municipalities in which such property is situated.

Loaning powers.

2. The Association may loan its funds or any portion thereof on the security of—

(*a*) any of the securities mentioned in the preceding subsection of this section; or,

(*b*) improved real estate in Canada or elsewhere where the Association is carrying on its business or leaseholds for a term or terms of years or other estate or interest therein; but 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; or,

(*c*) policies of insurance or contracts issued by the Association on which at least five years' premiums have been paid.

Real estate.

3. The Association 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 for such purpose is vested in the Provincial Association 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.

Limitation.

4. Nothing contained in this Act or in any general Act relating to the investments of insurance companies shall be held to confer on the Association any other or wider powers of investment than those conferred by this section.

Acquisition of rights, property, etc. of Provincial Association.

**15.** The Association may acquire 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, subject to existing mortgages or liens, if any.

Liabilities of Provincial Association assumed.

**16.** The Association in such case shall assume 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.

Certain rights saved.

2. Any person having any claim, demand, right, cause of action or complaint against the Provincial Association, or to whom the Provincial Association is under any liability, obligation or contract, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the Association as such person has against the Provincial Association.

Deposit of copy of laws and constitution with Secretary of State, etc.

**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 after their adoption by the Association.

**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 or fraternal societies or companies. No exemption from general laws.

**19.** A license under *The Insurance Act* shall not be issued to the Association nor shall any license issued thereto be renewed, unless and until the Superintendent of Insurance has been satisfied, by such evidence as he may require that the Provincial Association is ceasing to do business nor unless and until such undertaking as he may require has been given that the Provincial Association will totally cease so to do business within such reasonable time as he may fix. Issue of licenses.

**20.** *The Insurance Act, 1910,* and any general Act relating to insurance passed during the present session of Parliament, shall apply to the Association except in so far as such Acts are inconsistent with this Act. 1910, c. 32 to apply.

**21.** This Act shall not take effect unless and until accepted and approved by a resolution passed by a vote of not less than two-thirds of the Executive of the Provincial Association present or represented by proxy at a special general meeting 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. Commencement of Act.

2. Notice of such acceptance and approval, and the day so fixed, shall be published by the Association in the *Canada Gazette*. Notice.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 44.

An Act to incorporate "Alliance Nationale."

First reading, May 3, 1917.

(PRIVATE BILL.)

MR. ACHIM.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 45.

An Act to amend The Insurance Act, 1910.

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

**1.** *The Insurance Act, 1910,* is amended by inserting therein after section one hundred and twenty-six the following:—

Conversion of renewable term policy to level premium policy.

"**126A.** Any person holding a half yearly or yearly renewal term policy shall, on making application in writing to the company, be entitled to select and receive in lieu of and in exchange therefor any level premium plan of policy issued by the company at the rate of premium applicable to such policy at the age at which the renewal term policy was issued, on payment of the difference between the premiums theretofore paid by him and the premiums he would have paid under a level premium policy issued at the same age as that at which the renewable term policy was issued, with interest at four per cent compounded yearly for the period of years elapsed since the renewable term policy was issued.

Statement of premiums payable.

"2. The company shall, on demand in writing, at its own expense prepare and deliver to the applicant a statement showing the premiums chargeable under the level premium plan selected, and the premiums paid under such renewable term policy respectively, with interest computed as aforesaid in each case for and during the period of such renewable term policy up to the time fixed in such statement.

Policy to be issued within three months.

"3. The company shall, within three months after the date of making such application issue and deliver to the holder of such renewable term policy, without further medical examination, a level premium policy on the same

terms and conditions and in effect the same in all respects as if it had been issued on the same date as the renewable term policy.

When section not to apply.

"4. The provisions of this section shall not apply to any policy which expressly provides that it shall not be renewed at the expiry of any term or upon the happening of an event named in such policy."

45.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 45.

An Act to amend The Insurance Act, 1910.

First reading, May 3, 1917.

Mr. Bennett (Simcoe).

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 46.

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.** Section ninety-two of *The Bank Act*, chapter nine of the statues of 1913, is amended by striking out the word "whatever" in the first line of the said section and inserting in lieu thereof the words "not less than four per cent." Rate of interest fixed.

7th Session, 12th Parliament, 7 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 46.

An Act to amend The Bank Act.

First reading, May 3, 1917.

MR. LAPOINTE
(Montreal).

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 47.

An Act to facilitate certain financial arrangements between the Government of the United Kingdom of Great Britain and Ireland and the Canadian Pacific Railway Company, and for other purposes.

Preamble.

WHEREAS under regulations made pursuant to the provisions of the *Defence of the Realm Consolidation Act, 1914*, and amending enactments, and under its general powers in that behalf, the Government of the United Kingdom of Great Britain and Ireland, for the purpose of making further financial provision for the prosecution of the war, has taken over or acquired and proposes to take over or acquire, by compulsory purchase or otherwise, from persons ordinarily resident in the United Kingdom, certain securities of the Canadian Pacific Railway Company and of companies whose lines are leased to the Company, and in order to facilitate the financial arrangements of His Majesty's Treasury, it is expedient that the Company should be empowered, if so requested by His Majesty's Imperial Government, to issue Collateral Trust Bonds for the purpose *inter alia* of acquiring and taking over such securities from the British Government: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Company empowered to acquire Consolidated Debenture Stock or Bonds issued by Company and to issue Collateral Trust Bonds therefor.

**1.** Upon the request of His Majesty's Imperial Government, the Company, being first authorized so to do by the vote of the holders of at least two-thirds of such shares as shall be voted at a special general meeting duly called for the purpose, may take over or acquire from the British Government Consolidated Debenture Stock or Bonds heretofore or hereafter issued by the Company, and may issue Collateral Trust Bonds of the Company to such aggregate amount as may from time to time be determined by the Directors for the purpose of taking over or acquiring such Consolidated Debenture Stock or Bonds of the Com-

pany, or of taking over or acquiring Bonds, Debenture Stock or other Securities, heretofore or hereafter issued, of any Company of which the railway is leased to the Company, and the principal or interest of the Bonds or other Securities of which is guaranteed or paid by the Company, directly or through the payment of rental. The Stocks and Bonds and other Securities of the Company or of such other Company (all herein referred to as "the Collateral Securities") so acquired by the Company, shall in such case be held by the Company as still subsisting and continuing, and the holders of all such Collateral Trust Bonds issued by the Company shall be entitled to the security thereof. Upon the redemption or payment of such Collateral Trust Bonds, such Collateral Securities shall be deemed not to have been paid off or to have become extinguished, but to be still alive, and the same may be disposed of or reissued by the Company, and in that event the holders thereof shall have the same rights and priorities as if such Collateral Securities had not theretofore been issued. The reissue of such Collateral Securities shall, in such case, not be treated as an issue of a new security for the purpose of any provision limiting the number or amount of Securities to be issued by the Company previously issuing the same.

Collateral securities to be held by Company as subsisting, and holders of Bonds entitled to security thereof.

Power to dispose of or to reissue securities.

**2.** Such Collateral Trust Bonds may be issued payable in the money of the United States or of Great Britian or of Canada, or of any or all of them, and shall bear interest at a rate not exceeding five per cent per annum. All or any of such Collateral Trust Bonds may be issued in such amounts and may be pledged, negotiated or sold upon such conditions, at such price and at such place within or without Canada, as the Board of Directors may determine, and the Collateral Securities therefor may be deposited or pledged with any Trustee within or without Canada that the Board may select, and the law of the place of such sale, deposit or pledge may be made applicable thereto.

Issue of Collateral Trust Bonds and power to sell, deposit or pledge.

**3.** The Collateral Trust Bonds issued pursuant to this Act shall constitute a First Mortgage and charge upon such Collateral Securities as shall be pledged with the Trustee as aforesaid, and declared and described as so pledged and mortgaged in any Trust Deed executed by the Company with the authority of its shareholders expressed by resolution passed as above provided at any such special general meeting. Any such Trust Deed may describe the mortgaged and pledged property, the nature and extent of the security, the power of sale by the Trustee in any manner therein specified in the event of default, the rights and remedies of the holders of the Collateral Trust Bonds and

Collateral Trust Bonds to constitute a first mortgage and charge upon Collateral Securities pledged with trustee under authorized Trust Deed and deposited with Secretary of State.

of the Trustee under such Trust Deed in respect of such security, and may contain such other lawful provisions as may be deemed appropriate. Such Deed and all the provisions thereof made under the authority of this Act and with the approval aforesaid shall be valid and binding, and shall be deposited in the office of the Secretary of State of Canada and notice of such deposit given in the *Canada Gazette*, and no other or further registration thereof shall be required.

Form and execution of Bonds.

**4.** The said Bonds shall be in the form and may be executed by the Company in the manner prescribed in the Trust Deed or Deeds securing the same, provided, however, that it shall not be necessary to affix the seal of the Company to any Bond issued under the authority of this Act; and every such Bond issued without such seal shall have the same force and effect, and be held, treated and dealt with by all Courts of Law and of Equity, as if it were sealed with the seal of the Company. If so provided by the Trust Deed executed to secure the issue of such Bonds, any of the signatures to such Bonds or to the coupons thereto appended may be engraved, stamped or lithographed thereon.

Power to substantiate agreement.

**5.** The Company may enter into any agreement with His Majesty's Imperial Government and may execute any deed or instrument, and may do any act or thing deemed necessary or expedient to give effect to the financial arrangements of His Majesty's Treasury in respect of the matters authorized by this Act.

Issue of consolidated debenture stock or preferred stock in U. S. currency.

**6.** Section four of the *Canadian Pacific Railway Act, 1916*, is amended by inserting after the word "currency" in the seventh line thereof the words "or of United States currency" and by striking out the words "from the one into the other" in the eleventh and twelfth lines thereof and substituting therefor the words "from one into another," and the said section as so amended shall be deemed to have come into force on the twenty-third day of March, 1916.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 47.

An Act to facilitate certain financial arrangements between the Government of the United Kingdom of Great Britain and Ireland and the Canadian Pacific Railway Company, and for other purposes.

First reading, May 14, 1917.

SIR THOMAS WHITE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 48.

An Act respecting The British Columbia and White River Railway Company.

WHEREAS The British Columbia and White River Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1911, c. 45; 1913, c. 75; 1915, c. 34.

Extension of time for construction.

**1.** The British Columbia and White River Railway Company may, within two years after the passing of this Act, commence the construction of its railway authorized to be constructed by chapter forty-five of the statutes of 1911, namely:—

"From a point in the province of British Columbia, on the international boundary, where the said boundary crosses Bear Creek, a tributary to the Chilkat river, or near thereto, and thence extending northwesterly towards the Alsek river, and thence through the Shakwak valley to Lake Kluane, and thence along Lake Kluane via the Donjek valley to the White river, and thence, by the most feasible route, to the international boundary between the Yukon Territory and Alaska, between the sixty-second and sixty-fourth parallels of latitude;»

and shall, within the said two years, expend thereon, (including expenditure already made), an amount equal to fifteen per cent of its capital stock, and may complete the said railway, and put it in operation within five years after the passing of this Act; and if, within the said periods respectively, the said railway is not so commenced and such expenditure is not so made, or the said railway is not completed and put in operation, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Repeal.

**2.** Section one of chapter thirty-four of the statutes of 1915 is repealed.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 48.

An Act respecting The British Columbia and White River Railway Company.

First reading, May 15, 1917.

(PRIVATE BILL.)

MR. CLEMENTS.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 49.

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.** Paragraph (*c*) of section twenty of the *Exchequer Court Act*, chapter one hundred and forty of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— Exclusive original jurisdiction.

"(*c*) Every claim against the Crown arising out of any death or injury to the person or to property resulting from the negligence of any officer or servant of the Crown, while acting on any public work within the scope of his duties or employment." Claims for death or injury by negligence of Crown officer.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 49.

An Act to amend the Exchequer Court Act.

First reading, May 15, 1917.

MR. LAPOINTE
(Kamouraska).

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 50.

An Act to amend The Insurance Act, 1910.

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

**1.** *The Insurance Act, 1910,* is amended by inserting therein after section one hundred and twenty-six the following:—

Conversion of renewable term policy to level premium policy.

"**126A.** Any person holding a half yearly or yearly renewal term policy shall, on making application in writing to the company, be entitled to select and receive in lieu of and in exchange therefor any level premium plan of policy issued by the company at the rate of premium applicable to such policy at the age at which the renewal term policy was issued, on payment of the difference between the premiums theretofore paid by him and the premiums he would have paid under a level premium policy issued at the same age as that at which the renewable term policy was issued, with interest at four per cent compounded yearly for the period of years elapsed since the renewable term policy was issued.

Statement of premiums payable.

"2. The company shall, on demand in writing, at its own expense prepare and deliver to the applicant a statement showing the premiums chargeable under the level premium plan selected, and the premiums paid under such renewable term policy respectively, with interest computed as aforesaid in each case for and during the period of such renewable term policy up to the time fixed in such statement.

Policy to be issued within three months.

"3. The company shall, within three months after the date of making such application issue and deliver to the holder of such renewable term policy, without further medical examination, a level premium policy on the same terms and conditions and in effect the same in all respects as if it had been issued on the same date as the renewable term policy.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 50.

An Act to amend The Insurance Act, 1910.

First reading, May 21, 1917.

MR. BENNETT
(Simcoe).

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 53.

An Act respecting Insurance.

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

SHORT TITLE.

**1.** This Act may be cited as *The Insurance Act, 1917.* Short title.

INTERPRETATION.

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

(*a*) "Department" means the Department of Insurance constituted by this Act; "Department."

(*b*) "Minister" means the Minister of Finance; "Minister."

(*c*) "Superintendent" means the Superintendent of Insurance; "Superintendent."

(*d*) *"company" means any corporation incorporated under the laws of Canada or under the laws of the United Kingdom of Great Britain and Ireland or of any British possession, other than a province of Canada, or of any foreign country for the purpose of carrying on the business of insurance;* "Company."

(*e*) *"Canadian company" means a company incorporated under the laws of Canada for the purpose of carrying on the business of insurance, excluding however any British or foreign company which becomes incorporated under the provisions of this Act by reason merely of obtaining a license from the Minister as herein authorized;* "Canadian company."

(*e1*) *"provincial company" means a company incorporated under the laws of any province of Canada for the purpose of carrying on the business of insurance;* "Provincial company."

(*e2*) *"British company" means a company incorporated under the laws of the United Kingdom of Great Britain and Ireland, or of any British possession, other than the Dominion and provinces of Canada, for the purpose of carrying on the business of insurance, and having the faculty or capacity under its Act or other* "British company."

*instrument of incorporation to carry on such business throughout Canada;*

"Foreign company."

(*e3*) "*foreign company*" *means a company incorporated under the laws of any foreign country for the purpose of carrying on the business of insurance, and having the faculty or capacity under its Act or other instrument of incorporation to carry on such business throughout Canada;*

"Chief agency."

(*f*) "agency" or "chief agency" means the principal office or place of business of the company in Canada;

"Agent."

(*g*) "agent" means the chief agent of the company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he is designated;

"Officer."

(*h*) "officer" includes the manager, secretary, treasurer, actuary and any other person designated as "officer" by the by-laws of the company;

"President."

(*i*) "president," as regards a *British or foreign* company *licensed under this Act,* means and includes the chairman, governor, manager or other principal officer thereof;

"Secretary."

(*j*) "secretary" means and includes the officer by whom the usual duties of a secretary are performed;

"Annual statement."

(*k*) "annual statement," in the case of *British and foreign* companies 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;

"License."

(*l*) "license" includes certificate of registration;

"Policy."

(*m*) "policy" includes a certificate of membership relating in any way to life insurance and any other written contract of insurance whether contained in one or more documents;

"Canadian policy"—fire and marine insurance.

(*n*) "Canadian policy" or "policy in Canada," as regards fire and inland marine insurance, means a policy of insurance on any property within Canada, issued by any company licensed under this Act to transact the business of fire or inland marine insurance;

"Canadian policy"—life insurance.

(*o*) "Canadian policy" or "policy in Canada," as regards life insurance, means a policy or an annuity contract issued by any company licensed under this Act to transact the business of life insurance in Canada, in favour of any person or persons resident in Canada at the time when such policy was issued;

"Policyholder in Canada."

(*p*) "policyholder in Canada" means, as respects life insurance, any person upon whose life any company licensed under this Act to transact the business of life insurance in Canada has, while such person was resident in Canada, issued a policy;

"Policyholder."

(*q*) "policyholder," as respects life insurance, when used in reference to the person to whom a tender is made

by the Minister, as hereinafter provided, upon a company which ceases to do business applying for a release of deposits, means the person to whom the policy is issued and with whom the contract for insurance is made, and includes the assignee of such person;

(*r*) "accident insurance" means insurance against bodily injury and death by accident, including loss or damage from accident or injury suffered by an employee or other person for which the person insured is liable; and the insurance of personal property other than plate or other glass against accidental damage or loss by reason of any cause except by fire or perils of navigation; "Accident insurance."

(*s*) "automobile insurance" means insurance against accidental bodily injury or death to its driver, including insurance against loss or damage from accident to or injury suffered by an employee or other person caused by an automobile for which the owner is liable; and insurance against loss or damage to property from an accident caused by an automobile, except by fire; and insurance against loss or damage to an automobile by accident, burglary or theft; "Automobile insurance."

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

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

(*v*) "explosion insurance" means insurance against damage to property of any kind caused by the explosion of natural or other gas, *or caused by bombardment, invasion, insurrection, riot, civil war or commotion or military or usurped power.* "Explosion insurance."

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

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

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

"Inland transportation insurance."

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

"Plate glass insurance."

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

"Sickness insurance."

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

"Sprinkler leakage insurance."

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

"Steam boiler insurance."

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

APPLICATION OF ACT.

Application of Act.

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

Marine insurance.

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

Policies prior to 22nd May, 1868.

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

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

(*a*[1]) *to the collection or receipt of premiums in respect of any policy of life insurance issued by a company not licensed under the provisions of this Act to a person not resident in Canada at the time of the issue of such policy, or to any business connected therewith; or,*

* * * * * * *

Societies.

(*b*) 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,

Associations in connection.

(*c*) 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,

(*d*) to any society or organization exempted, under this section, by the Treasury Board from the provisions of this Act. Exempted societies.

* * * * * * *

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

* * * * * * * *

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

## PART I.

### GENERAL.

*License.*

**4.** *It shall be competent to the Minister to grant to any company which shall have complied with the requirements of this Act preliminary to the granting of a license, a license authorizing the company to carry on its business of insurance, or any specified part thereof, subject to the provisions of this Act and to the terms of the license,* License may be granted to

(*a*) *in the case of any Canadian company or any foreign company, throughout Canada or in any part of Canada which may be specified in the license;* Canadian and foreign company.

Other company.

*(b) in the case of any other company, throughout Canada or in any part of Canada comprising more than one province which may be specified in the license.*

Effect of license.

*2. Any company other than a Canadian company which may obtain from the Minister a license or a renewal of a license shall thereupon and thereby become and be and be deemed to be a company incorporated under the laws of Canada with power to carry on throughout Canada, or in such part or parts of Canada as may be specified in the license, the various branches or kinds of insurance which the license may authorize.*

Lloyds associations.

*3. It shall moreover be competent to the Minister, notwithstanding anything in this Act, to grant a license to any association of individuals formed upon the plan known as Lloyds whereby each associate underwriter becomes liable for a stated, limited or proportionate part of the whole amount insured by a policy, or formed for the purpose of exchanging reciprocal contracts of indemnity upon the plan known as inter-insurance, authorizing such association to transact insurance other than life insurance in Canada in like manner and upon the same terms and conditions as in the case of a company, and all the provisions and requirements of this Act regulating the business of licensed companies shall, so far as applicable, be deemed to be terms and conditions of any license so granted; Provided that the statements required by this Act to be filed in the Department may, in the case of such an association, be verified in such manner as the Superintendent shall direct and prescribe.*

Provincial companies.

*4. The Minister may grant to a provincial company which has the faculty or capacity to carry on its business throughout Canada and to obtain the license hereinafter mentioned, and has complied with the provisions of this Act in that behalf applicable to a Canadian company, a license authorizing the company to carry on its said business or any part thereof throughout Canada or in any part or parts of Canada comprising more than one province which may be specified in the license, and the company shall thereupon and thereby become and be and be deemed to be a company incorporated under the laws of Canada with power to carry on within the area specified in the license its said business or such part thereof as the license may authorize.*

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, *may*, 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 or forms for the different classes of companies, as may be from time to time determined by the Minister, and shall specify the business to be carried on by the company, and any limitations or conditions which the Minister may consistently with the provisions of this Act deem proper.*

Duration.

2. The license shall expire on the thirty-first day of March in each year, but *may be renewed* 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.

Validity.

*3. The validity of any license purporting to be issued by the Minister under this Act shall not be called in question on behalf or at the instance of any person other than the Minister.*

License not granted to same company for life combined with other insurance.

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

Proviso.

Six classes.

2. *A license may be granted to a company to carry on any one or more but not exceeding six of the following classes of insurance, that is to say, fire insurance, accident insurance, automobile insurance, bond insurance, burglary insurance, credit insurance, explosion insurance, guarantee insurance, hail insurance, inland transportation insurance, plate-glass insurance, sickness insurance, sprinkler leakage insurance, steam boiler insurance, tornado insurance and weather insurance.*

Additional classes.

3. *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 classes of insurance, excluding life insurance, whether mentioned in this section or not, in addition to the classes for which a license may be granted under the provisions of subsection two of this section, but the total number of classes for which a license may be granted shall not exceed ten.*

License not granted where charter authorizes excess of classes.

**9.** Subject to the 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 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, however, that any company incorporated elsewhere than in Canada *which has, on the basis precribed by this Act, a wholly unimpaired capital*, shall, regardless of its greater corporate powers, *upon complying with such conditions as may be required by the Treasury Board, and subject to the provisions of the last preceding section, be deemed eligible for such license.*

Excess deposit.

**10.** *The Treasury Board may, as a condition precedent to the issue of a license under the last preceding section, or to any renewal thereof, require the company to maintain assets in Canada, as defined by subsection two of section twenty of this Act, in excess of the amount which would be required if the company's charter powers were limited to the classes for which such license is sought, but such excess shall not exceed two hundred thousand dollars.*

Business not to be carried on without license.

**11.** *It shall not be lawful for*

(*a*) *any Canadian company; or*

(*b*) *any alien, whether a natural person or a foreign company,*

*within Canada to solicit or accept any risk, or to issue or deliver any receipt or policy of insurance, or to grant, in consideration of any premium or payment, any annuity on a life or lives, or to collect or receive any premium, or, except as provided in section 139 of this Act, to inspect any risk or adjust any loss, or to advertise for or carry on any business of insurance, or to prosecute or maintain any suit, action or proceeding, or to file any claim in insolvency relating to such business, unless under a license from the Minister granted pursuant to the provisions of this Act.*

British company.

**12.** *It shall not be lawful for any British company, or for any British subject not resident in Canada, to immigrate into Canada for the purpose of opening or establishing any office*

*or agency for the transaction of any business of or relating to insurance, or of soliciting or accepting any risk or issuing or delivering any interim receipt or policy of insurance or granting, in consideration of any premium or payment, any annuity on a life or lives, or of collecting or receiving any premium, or, except as provided in section 139 of this Act, of inspecting any risk or adjusting any loss, or of carrying on any business of or relating to insurance, or of prosecuting or maintaining any suit, action or proceeding or filing any claim in insolvency relating to such business, unless under a license from the Minister granted pursuant to the provisions of this Act.*

Appointing agent.

*2. A company shall be deemed to immigrate into Canada within the meaning of this section if it sends into Canada any document appointing, or otherwise appoints, any person in Canada its agent for any of the purposes mentioned in subsection 1 of this section.*

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

What contracts may be included in one policy.

*Deposits.*

**14.** Every company carrying on the business of life insurance and every company carrying on the business of fire insurance, 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. Where a license limited to one or more of the provinces of Canada is granted, the Treasury Board on the report of the Superintendent may authorize the acceptance of an initial deposit less in amount than in this section provided.

In case of limited license.

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

Securities permissible.

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

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

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

Valuatio

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.

Proviso.

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 reinsurance value of all its risks outstanding in Canada, together with other liabilities in Canada, exceeds its assets in Canada, including the deposit in the hands of the Minister, the company shall be notified by the Minister to make good the deficiency; and, on its failure to make the same good (up to the date of making good), within sixty days after being notified, he *may* withdraw its license.

Failure to make good.

Deficiency of assets—life insurance.

**20.** Subject to the power and duties hereinafter vested in and imposed upon the Treasury Board in relation to the withdrawal of a company's license or for limiting a time for making good a deficiency of assets, if it appears from the annual statements, or from an examination, as provided for

by this Act, of the affairs and condition of any company carrying on the business of life insurance, that its liabilities to policyholders 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 *may* withdraw its license.

Failure to make good.

2. *In the case of a British or foreign company licensed under this Act,* 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.

Proviso.

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.

1877, c. 42.

6. In any such case the deposit of such company which was in the hands of the Minister on the twenty-eighth day of April, one thousand eight hundred and seventy-seven, shall be dealt with in regard to such policies, in conformity with sections 4 and 5 of chapter 9 of the statutes of 1871, intituled *An Act to amend the Act respecting Insurance Companies;* and whenever the full liability under such policies falls below the amount so held by the Minister, he

Decreasing deposit.

1871, c. 9.

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 Department—

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 com-

pany in any province in Canada, in respect of any liabilities incurred by the company therein, and to receive from the Minister and the Superintendent all notices which the law requires to be given, or which it is thought advisable to give; and,

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

Change of chief agent.

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

Declaration in annual statement.

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

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

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

Foreign companies.

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

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 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 or fire insurance, such annual statement shall be in the said form B as nearly as circumstances will permit, necessary changes only being made therein.

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.

Statements by foreign and other companies.

**32.** Every *British and foreign* company licensed under or 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 when statement submitted.

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

Form when no statement submitted.

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 Department on the first day of January next following the date at which the condition and affairs of the company are thereby shown, or within two months thereafter.

Forms supplied.

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

Time for depositing general statement.

**33.** The statement of general business provided for in the last preceding section shall be deposited in the Department within thirty days after it is required by law to be made to the government of the country in which the head office of the company whose statement it is, is situate, or within thirty days after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first occurs: Provided that no such

Proviso.

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.

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.

Time up to which annual statements are made.

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.

Advertisement of capital and surplus.

**36.** *Any notice, statement, advertisement, or other publication of a company licensed under this Act, issued or distributed in Canada, which contains a statement of the amount of the subscribed capital of the company, shall contain also a statement of the amount paid thereon; and if the said notice, statement, advertisement or publication contains a statement of the amount of capital authorized, it shall also contain a statement of the amount of capital subscribed and of the amount paid thereon; and no such notice, statement, advertisement or publication shall be issued or distributed in Canada which includes in or with the surplus the subscribed or paid capital, unless the amount of such subscribed or paid capital be specifically stated and mentioned as included in the said surplus.*

*Superintendent and his duties.*

Rank and powers of Superintendent.

**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.

To act under Minister.

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

Department of Insurance.

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

Duties of Superintendent.

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

Securities.

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

Report as to licenses.

(*b*) in each case, before the issue of any new license, or the renewal of any license, make a report to the Minister that the requirements of the law have been complied

with, and that from the statement of the affairs of the company it is in a condition to meet its liabilities;

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

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

(*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. Annual report.

**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. Inspection visits to companies.

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. Officers of companies to open books for inspection.

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

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

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

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.

Effect of suspension.

3. Such company shall, during such suspension or cancellation, be held to be unlicensed and unauthorized to do further business. The Minister may, however, issue such modified or conditional license as may be necessary for the protection of policyholders, *but the issue of such modified or conditional license shall not, in the case of a life insurance company, be deemed to be a renewal of the company's license within the meaning of section one hundred and sixty-one of The Winding-up Act.*

Conditional license may provide for reinsurance.

4. *If the Minister deems it advisable, the said modified or conditional license may require that the company shall, during the continuance of such modified or conditional license, arrange for the reinsurance of its policies, in the case of a Canadian company, and of its policies in Canada in the case of a company other than a Canadian company, in some company or companies licensed under this Act, but no agreement for such reinsurance shall be executed until it has been submitted to and approved by the Superintendent.*

Failure to reinsure.

5. *If upon the expiration of the modified or conditional license mentioned in the last preceding subsection, no agreement satisfactory to the Superintendent has been made for the reinsurance of the company's policies as aforesaid, and if the company's condition is not then such as to warrant the restoration of its license, the company shall be deemed to be insolvent, and the Superintendent may request the Attorney General of Canada to institute proceedings for the winding-up of the company. If as a result of such proceedings, the Court shall order the winding-up of the company, it shall also order that such winding-up shall be carried on by or under the direction of the Superintendent.*

*Reinsurance of Insolvent Companies.*

Liquidator may reinsure policy-holders.

**41A.** *Notwithstanding anything contained in The Winding-up Act, or in this Act, the liquidator of an insolvent insurance company may, without the consent of the policyholders, arrange*

*for the reinsurance of the contracts of its policyholders, in the case of a Canadian company, and of its policyholders in Canada, in the case of a company other than a Canadian company, in some company or companies licensed under this Act to transact insurance in Canada, and for the purpose of securing such reinsurance the entire assets of the company, in the case of a Canadian company, and the entire assets of the company in Canada as defined by subsection two of section twenty of this Act, in the case of a company other than a Canadian company, shall be available, excepting the amount required to pay the claims of preferred creditors specified in section seventy of The Winding-up Act, the amount of the costs of liquidation and the amount required to pay claims accrued under the company's policy contracts of which notice has been received by the company prior to the date such reinsurance is effected, all of which payments shall be a first charge upon the said assets of the company; and creditors of the company, other than the policyholders and said preferred creditors, shall be entitled to receive a dividend on their claims only if the said assets are more than sufficient to provide for the payments aforesaid and for the reinsurance in full of the contracts of the said policyholders.*

Partial reinsurance if assets insufficient.

*2. If the said assets of the company are insufficient to provide for the payments specified in the next preceding subsection and for the reinsurance of the contracts of the said policyholders in full, the reinsurance may be effected for such a percentage of the full amount of the contracts as the said assets will secure.*

Approved by Treasury Board.

*3. No contract of reinsurance made in pursuance of this section shall become effective until approved by the Court by which the liquidator is appointed and by the Treasury Board.*

Winding-up Act.

*4. In the event of the reinsurance provided for by this section being effected, the Court by which the liquidator is appointed may in its discretion declare that any section or sections, or any part or parts of any such section, of Parts III and IV of The Winding-up Act, shall not apply, and on such declaration being made the section or sections, or any part or parts of any such section, so specified, shall cease to apply to any of the parties concerned in the liquidation.*

Distribution of assets if reinsurance fails.

*5. If the liquidator fails to secure the reinsurance of the contracts of the company's policyholders, in full or for a percentage thereof as hereinbefore provided, the said assets shall, subject to the payment of the costs of liquidation and the preferred claims specified in section seventy of The Winding-up Act, be available to pay the claims of the policyholders, calculated as at the date of liquidation, in the manner provided by The Winding-up Act, and creditors of the company other than the policyholders and the said preferred creditors shall be entitled to receive a dividend on their claims only if the*

*said assets are more than sufficient to pay the costs of liquidation, the claims of the said preferred creditors and the claims of the policyholders determined in the manner aforesaid.*

Deposits outside of Canada.

6. *If the company is a Canadian company which has deposited with the government of any state or country outside of Canada, or with any trustee or other person in such state or country, any of its funds or securities for the protection of the company's policyholders in such state or country, the liquidator may, on completing arrangements for the reinsurance herein provided for, request such government, trustee or other person to transfer to him the said funds and securities, and on such transfer being made, the said funds and securities shall be used for the benefit of all the company's policyholders in the same way and to the same extent as if they had not been so deposited outside of Canada.*

Failure to transfer to liquidator.

7. *If the said government, trustee or other person does not consent to so transfer the said funds and securities within such time from the date of the liquidator's request therefor as the Court may fix, the policyholders of the company who, while resident in such state or country, effected insurance with the company, shall be deemed to have refused the reinsurance arranged by the liquidator, and to have forfeited all right or claim to any share of the assets of the company other than the funds or securities so deposited for their protection outside of Canada.*

Secured creditors not affected.

8. *Nothing in this section shall prejudice or affect the priority of any mortgage, lien, or charge upon the property of the company.*

Valuation of policies of life insurance in Canada.

**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 *British and foreign* life insurance companies, licensed under this Act to transact the business of life insurance in Canada.

Basis of valuation.

2. Such valuation shall be based on the British Offices Life Tables, 1893, $O^{m(5)}$, and on a rate of interest of three and one-half per cent per annum.

Deduction from value of policies.

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 subsection 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 payment of the fifth annual premium, the value of the policy shall be the value as ascertained in accordance with subsection 2 of this section.

Annual statement to contain value of policies and deductions.

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

Valuation of annuity contracts.

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

Maximum rate.

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

Proviso.

Valuation of industrial policies.

6. Subsections 3 and 5 of this section shall not apply to the business of industrial insurance of the character specially dealt with in this subsection. Whole life industrial policies and endowment industrial policies maturing at age 80 or any higher age shall be valued upon the following basis, namely:—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.

**46.** The Minister may, from time to time, instruct the Superintendent to visit the head office of any *British or foreign* company licensed under this Act, and to examine into the general condition and affairs of such company. Examination at head office of foreign company.

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

*Office Expenses.*

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

*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. Appointment of officers and clerks.

**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. Superintendent or officers not to be interested in any company.

*Annual Report.*

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

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

**51.** Notwithstanding anything contained in its Act of incorporation, any *Canadian* company may— Company may—

(*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 of shareholders.

by by-law of members;

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

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 *Canadian* company *carrying on the business of life insurance* 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 *such* life insurance company 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.

Treasury Board.

2A. *The permission of the Treasury Board shall be obtained before any company enters into a contract or agreement with another company under the provisions of subsections one and two of this section.*

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, including a report by an independent actuary;

shall be served on the shareholders and on the holders of all policies in Canada other than industrial policies of each company: Provided, however, that the Superintendent may dispense with the service of such documents on the policyholders of the reinsuring 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; but this subsection shall not apply to any company which issues industrial insurance.

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.

Capital to be unimpaired after amalgamation.

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

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 statement 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: Provided, however, that this section shall not apply to the contracts of reinsurance made by companies in the ordinary course of their business.

Proviso.

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.

*Commissions, Allowances and Salaries.*

Additional commissions.

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

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

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

**56.** *No such company shall make any agreement with any of its directors, trustees, officers or agents, to pay for any services rendered or to be rendered, any salary, compensation or emolument extending beyond a period of five years from the date of such agreement, but this restriction shall not apply to agreements with agents in respect of insurance secured or to be secured by such agents, such insurance amount ing in any year to less than twenty per cent of the total insurance secured in that year by the company.* Salary agreement for not more than 5 years.

2. *Every contract or agreement made after the passing of this Act between any such company and any of its directors, trustees, officers or agents to pay for any services rendered or to be rendered, any salary, compensation or emolument, shall be terminable at the option of the company on not more than three months' notice unless it contains a provision that in the event of the winding-up of the company under The Winding-up Act, or in the event of the transfer or reinsurance of all the company's policies, such contract or agreement shall be terminable at the option of the company, but that the holder thereof shall be entitled, on its termination, to rank as an ordinary creditor on the assets of the company for the amount he would have received under such contract or agreement* Provision for termination.

*during a period not exceeding three months following the date of the commencement of the said winding-up or of the date of the said transfer or reinsurance.*

Commissions to agents only.

**57.** No *such* 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.

Proviso.

Pension fund may be created.

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

*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 *Canadian* companies *carrying on the business of life insurance.* With respect to *British and foreign* companies licensed *under this Act* to carry on such business in Canada, all assets and investments which under section 20 of this Act may be vested in trust for the company for the purposes of this Act in two or more persons resident in Canada, or in a Canadian trust company, shall be of the classes of investment permitted by this Act to Canadian companies. Any provision in any special Act or elsewhere conferring upon any *Canadian* company any other or wider powers of loaning and investment is hereby repealed.

Repeal of wider powers.

Disposal of unauthorized securities within five years.

2. Any *Provincial company which obtains a license under this Act and which has* on hand or vested in trustees in trust for the company at the date of the *issue of such license* any loans or investments or securities representing the same, which *are not valid and competent under the provisions of this Act* shall absolutely dispose of and realize the same within five years after *the issue of such license*, unless such loans or investments are then valid and competent under the provisions of this Act.

Extension of time.

3. The Governor in Council on the report of the Minister may for good cause shown enlarge the time mentioned in

the next preceding subsection for dealing with the securities vested in the company or in the trustees as required by the said subsection for any term not exceeding one year.

Investment of company's funds.

**59.** Any *Canadian* life insurance company may invest its funds, or any portion thereof, in the purchase of,—

In government securities.

(*a*) The debentures, bonds, stocks or other securities of or guaranteed by the Government of the Dominion of Canada or of or guaranteed by the Government of any province of Canada; or of or guaranteed by the Government of the United Kingdom, or of any colony or dependency thereof; or of or guaranteed by the Government of any foreign country, or state forming a portion of such foreign country; or of any municipal or school corporation in Canada, or elsewhere where the company is carrying on business; or guaranteed by any municipal corporation in Canada; *or secured by rates or taxes, levied under the authority of the Government of any province of Canada on property situated in such province and collectable by the municipalities in which such property is situated.*

Bonds secured by mortgage.

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

Debentures.

(ii) *The debentures or other evidences of indebtedness of any company which has paid regular dividends on its preferred or on its common stocks for a term of at least five years immediately preceding the date of investment in such debentures or other evidences of indebtedness;* or,

Preferred stock.

(iii) The preferred stocks of any company which has paid regular dividends upon such stocks or upon its common stocks for not less than five years preceding the purchase of such preferred stocks, or the stocks of any company which are guaranteed by a company which has paid regular dividends upon its preferred or common stocks for not less than five years preceding the purchase of such guaranteed stocks: Provided that the amount of stocks so guaranteed is not in excess of fifty per cent of the amount of the preferred or common stocks, as the case may be, of the guaranteeing company; or,

Proviso.

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 thirty per cent of the common stocks and not more than thirty per cent of the total issue of the stocks of

Proviso.

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

Life policies.

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

Lending funds.

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

(*a*) any of the bonds, debentures, stocks or other securities mentioned in the preceding subsection: *Provided, however, that the amount loaned on the security thereof shall not exceed the amount which might be invested therein under the provisions of the next 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:

Proviso.

Provided, however, that no such loan shall exceed sixty per cent of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit a company from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per cent of the sale price of such real estate.

Other securities authorized by Treasury Board.

3. The Treasury Board may authorize the acceptance by a company of bonds, stocks or debentures not fulfilling the foregoing requirements of this section, (*a*) in payment or part payment for securities sold by such company, or (*b*) obtained under a *bona fide* arrangement for the reorganization of a company whose securities were previously owned by such company, or for the amalgamation with another company of the company whose securities were so owned; but the bonds, stocks or debentures whose acceptance is so authorized shall be absolutely sold and disposed of within five years after the acquisition thereof, or within such further time not exceeding one year as the Governor in Council shall on report of the Minister fix and determine.

No loan to director or officer.

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

**60.** Any such life insurance company may deposit outside of Canada such portion of its funds and securities as is necessary or desirable for the maintenance of any foreign branch or branches: Provided that such deposit in any foreign country for all branches therein shall not exceed by more than one hundred thousand dollars Canadian currency the sum which is required to be deposited by the foreign law, or the amount of the reserves on the policies of such company in such foreign country, whichever is the greater. Every such company shall at all times retain in Canada and under its own control assets of a market value at least equal to the amount of its total liabilities to its policyholders in Canada, and of such assets an amount at least equal to two-thirds of its said total liabilities in Canada shall consist of investments in or loans upon Canadian securities. 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: Provided, however, that in the event of its being necessary to remove any portion of such securities from Canada for the purpose of exchanging the same for other securities authorized under this Act, or for any similar purpose, they may be entrusted for the purpose intended to a responsible bank, trust company or other corporation carrying on business outside of Canada. Securities to be held in Canada. Proviso.

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

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

this Act as a *bona fide* permanent investment on behalf of any such company.

Investment by companies other than life companies.

**63.** Any *Canadian* company, other than a life insurance company, 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: *Provided, however, that no such company shall invest in, or lend its funds on the security of, the shares of any other company transacting, or authorized by its charter to transact, any class of insurance business which such company transacts or is authorized by its charter to transact.*

Proviso.

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, but all other securities of such company shall be held at the head office of the company or elsewhere in Canada; nevertheless the proviso contained in subsection 2 of section 60 of this Act shall apply to such securities.

Securities to be held in Canada.

3. *Notwithstanding anything contained in this Act, every such company shall at all times after the first day of January one thousand nine hundred and seventeen, 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, including among such liabilities, in respect of its outstanding unmatured policies in Canada, a reserve of unearned premiums calculated pro rata for the time unexpired, and of such assets an amount at least equal to two-thirds of its total liabilities in Canada shall consist of investments in or loans upon Canadian securities.*

Additional security to secure repayment of liabilities.

**64.** Any *Canadian* company 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.

Investments, how taken.

**65.** *All investments and deposits of the funds of any such company shall be made in its corporate name, and no director or other officer thereof, and no member of a committee having any authority in the investment or disposition of its funds shall accept or be the beneficiary of, either directly or indirectly,*

*any fee, brokerage, commission, gift or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or in behalf of such company, or be pecuniarily interested in any such purchase, sale or loan, either as borrower, principal, co-principal, agent or beneficiary, except that if he is a policyholder he shall be entitled to all the benefits accruing under the terms of his contract.*

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.

Holding of real estate.

**67.** Notwithstanding anything contained in its Act of incorporation, or in any Act amending it, any *Canadian* insurance company 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 any such company which transacts business in the United Kingdom may with the consent of the Treasury Board acquire and hold such real estate therein as its directors deem necessary for the use of the company's branch, or the expansion of its business in the said United Kingdom: Provided further that no parcel of land or interest therein, at any time acquired by such company and not required for its actual use and occupation, present or prospective, as hereinbefore in this section mentioned, and not held by way of security, shall be held by such company or any trustee on its behalf, for a longer period than twelve years after the 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.

Proviso as to United Kingdom.

Proviso as to time of holding.

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:—

Proviso.

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 *British or foreign* company 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 or hypothec upon any parcel of real estate, together with the interest due and accrued thereon, is greater than the value of such parcel, or that such parcel is not sufficient security for such loan and interest, he may in like manner require the company to procure an appraisement thereof, or may himself at the company's expense procure such appraisement, and if from the appraised value it appears that such parcel of real estate is not adequate security for the loan and interest, he may write off such loan and interest a sum sufficient to reduce the same to such an amount as may fairly be realizable from such security, in no case to exceed such appraised value, and may insert such reduced amount in his said annual report.

Special audit of books by direction of 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 annual statement. Penalty.

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

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 Department.

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.

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Assessment company failing to make attested returns.

**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.

Penalty.

Contracts prior to 20th July, 1885.

**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.

No penalty.

*Voting by Proxy.*

Voting by proxy: companies other than life.

**76.** The provisions of this section shall extend and apply to every *Canadian* 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 *Canadian* mutual insurance company.

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.

*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.

Disposal of unauthorized investments.

3. *The Superintendent may request any company to dispose of and realize any of its investments not authorized by this Act, and the company shall within sixty days after receiving such request absolutely dispose of and realize the said investments, and if the amount realized therefrom falls below the amount paid by the company for the said investments, the directors of the company shall be jointly and severally liable for the payment to the company of the amount of the deficiency.*

Appeal to Exchequer Court.

4. An appeal shall lie in a summary manner from the ruling of the Superintendent as to the admissibility of any asset not allowed 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.

Procedure on appeal.

5. For the purposes of such appeal the Superintendent shall at the request of the company interested give a certificate in writing setting forth the ruling appealed from and the reasons therefor, which ruling shall, however, be binding upon the company unless the company shall within fifteen days after notice of such ruling serve upon the Superintendent notice of its intention to appeal therefrom, setting forth the grounds of appeal, and within fifteen days there-

after file its appeal with the registrar of the said court and with due diligence prosecute the same, in which case action on such ruling shall be suspended until the court has rendered judgment thereon.

*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 Subsequent Increase of Capital.*

Reduction of capital by by-law.

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

Proviso as to reduction of paid-up capital.

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

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

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 *Canadian* company being at the time this Act goes into effect licensed to carry on business in Canada pursuant to *The Insurance Act, 1910,* 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.

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

## PART II.

### LIFE INSURANCE.

*Application of Part.*

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

*Policies.*

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

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

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

**86.** No such life insurance company, and no officer, director or agent thereof, shall issue or circulate, or cause or permit to be issued or circulated in Canada any estimate, illustration or statement of the dividends or shares of surplus expected to be received in respect of any policy issued by it. Estimates forbidden.

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

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

Rates filed with Superintendent.

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

Exception in cases prior to Act.

3. This section shall not apply to reinsurance contracts or to acts done in pursuance of agreements made relative to policies issued prior to the passing of this Act.

Penalty for rebating, etc.

**88.** Each and every person violating the provisions of 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 premuim, but in no case less than two hundred and fifty dollars.

Penalty for permitting rebates, etc.

2. Every director or manager or other officer of any life insurance company licensed under this Act to carry on the business of life insurance who violates or knowingly consents to or permits the violation of the provisions of the

next preceding section by any agent, officer, employee or servant of the company shall be liable to a penalty of five hundred dollars.

Rebates, etc., and disposal of penalty.

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

Offenders not to be indemnified out of funds of company.

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

Quinquennial distribution of surplus.

**89.** *It shall be a condition of the license of every company licensed under this Act to carry on the business of life insurance, whether such condition be expressed in the license or not, and for the breach of which the license may be cancelled or withdrawn by the Minister, that,* 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 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 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 participating policy issued on or after the first day of January, one thousand nine hundred and eleven, shall, at the option of the holder of the policy, be payable in cash, or be applicable to the payment of any premium or premiums, or otherwise if the company grants other options, upon said policy or to the purchase of a paid-up addition thereto; and, in the case of

a term policy shall, at the holder's option, be payable in cash, or be applicable to the payment of premiums: Provided, however, that the option of the holder of a policy once exercised shall, except with the consent of the company, remain in force during the whole of the existence of the policy.

Proviso.

Notice to policyholder.

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

If he does not make election.

Exception.

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

Quinquennial apportionment of profits.

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

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*— Proceedings to be instituted by Attorney General. R.S., c. 144.

(*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.

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

**95.** *It shall be a condition of the license of every company licensed under this Act to carry on the business of life insurance, whether such condition be expressed in the license or not, and for the breach of which the license may be cancelled or withdrawn by the Minister, that* no policy of life insurance shall be delivered in Canada by any *such* company until a copy of the form of such policy has been mailed by prepaid registered letter to the Superintendent, and *that every such policy shall contain* in substance the following *terms or* provisions:— Form of policy to be approved.

(*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; Days of grace for payment of premiums.

(*b*) That the insured may, without the consent of the company, engage in the active service of the militia of Canada, notice thereof, however, to be given by or on behalf of the insured to the company within ninety days after the date of his so engaging in such service and such extra premium to be paid during the continu- Active service in militia. Notice.

ance of such service as the company shall fix in pursuance of the terms of the policy;

Incontestability after 2 years.

(*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 *produced for examination* and assigned to the company by an assignment executed by all proper parties and in the form G in the schedule to this Act, or in such other form as may be approved of by the Superintendent: Provided, however, that such loan may at the option of the company be deferred for a period not exceeding three months from the time the policyholder applies therefor;

Proviso.

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;

Renewal of policy.

(*j*) A provision that the holder of a policy shall be entitled to have the policy reinstated at any time within two years from date of lapse, unless the cash value has been duly paid, paid-up insurance granted, or the extension period expired, upon the production of evidence of insurability satisfactory to the company and the payment of all overdue premiums and any other indebtedness to the company upon said policy with interest at the rate of not exceeding six per cent per annum, compounded annually from the date of lapse.

Action against British or foreign company.

(*k*) *If the policy be issued by a British or foreign company that an action to enforce the obligations of such policy may be validly taken in any Court of competent jurisdiction in the province where the policy holder resides or last resided before his decease.*

Exceptions.

Any of the foregoing provisions or portions thereof not applicable to single premium or non-participating or term or annuity policies shall to that extent not be incorporated therein.

Exceptions.

2. This section shall not, except as relates to the filing with the Superintendent of copies of forms of policies, apply to assessment companies, nor to policies of industrial insurance.

Separate accounts of participating and non-participating business.

**96.** All such life insurance companies, notwithstanding anything to the contrary in any special Act or elsewhere, shall keep separate and distinct accounts of participating and non-participating business.

Companies having capital stock.

**98.** The provisions of this section shall extend and apply to every *Canadian* company *licensed to carry on the business of life insurance and* having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name.

Application.

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

Shareholders' and policyholders' directors to be elected.

3. Every such company shall determine by by-law the number of directors to be elected by the shareholders and by the participating policyholders, respectively, as

hereinafter provided, and the number of policyholders' directors so determined shall be at least one-third of the total number so to be elected. The company may, by the said by-law, provide that all the directors, of both classes, shall be elected for one, two or three years. If the by-law provides for a two years' or three years' term of office, it may also provide either, (*a*) that the term of office shall be continuous for all directors of both classes, or (*b*) that a certain proportion, not less than one-third, of each class, shall retire annually. At *each* annual meeting there shall be elected a board as determined by by-law aforesaid, but such board shall consist of not less than nine nor more than fifteen directors all of whom shall be eligible for re-election. The shareholders' directors shall be elected by the shareholders and the policyholders' directors shall be elected by the participating policyholders.

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.

Qualification 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 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 at all general meetings of the company, but participating policyholders as such shall not be entitled to vote for the election of shareholders' directors: Provided, however, that in case of liquidation of the company, the policyholder as such member shall not be entitled to share in the distribution of the assets or be liable to be placed on the list of contributories. Every holder of a participating policy or policies of the company for four thousand dollars or upwards, exclusive of bonus additions, upon

Proviso.

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.

8. The policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters. Meeting.

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

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

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

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. Voting.

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

*Forfeiture and Renewal of Licenses.*

**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. Withdrawal of license for non-payment of undisputed claim judgment.

**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 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, Renewal of forfeited license.

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 policyholders.

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 newspapers.

(*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 Department to each of the policyholders named in the said list, whose address is known to the Superintendent; and such notice shall be deposited in some post office in Canada at least thirty days previously to the day named therein, which 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.

Surrender values, how determined.

**106.** The surrender values to cover which a portion of assets is retained as aforesaid shall be determined by the Superintendent on the basis provided in subsection 2 of section 42 of this Act for the valuation once in every five years, or oftener at the discretion of the Minister, of policies of life insurance; and 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.

Expenses of valuation.

Special arrangements.

**107.** Nothing herein contained shall prevent any policyholder from making special arrangements with the company whereby his policy may be continued in force.

Action on proof.

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

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*Basis of Reserve.*

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 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.

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 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 such an amount as he deems sufficient to compensate for the services rendered to the company not, however, to exceed three cents for each policy or bonus addition so computed, which amount he shall pay over to the Minister. In the event of its appearing from the particulars so furnished that the net premium calculated

on the basis of the British Offices Life Tables, 1893, $O^m(5)$, and a rate of interest of three and one-half per cent together with two and one-half per cent loading for expenses is in excess of the premiums receivable in respect of any policies issued after January first, one thousand nine hundred and eleven, the company shall be charged as a separate liability with the value of an annuity the amount of which shall be equal to such excess.

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 *Canadian* companies which have a capital stock, 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 distinguished as having been derived from participating policies, (including a share of the profits arising from the sale of securities in the proportion of the reserve on the participating policies to the total reserve), to the extent of not less than ninety per cent thereof; and before fixing or arriving at the amount of divisible profits, interest on the amount of unimpaired paid-up capital stock, but not including any premiums or bonuses paid thereon or in respect thereof, which have been expended in the establishment, prosecution or extension of the company's business or applied to making good any impairment of capital, and on any other sum or sums from time to time standing at the credit of the shareholders may be allowed or credited to such shareholders at the average net rate of interest earned in the preceding year, or other period under consideration, upon the mean invested funds of the company; such shareholders to be, however, charged with a fair proportion of all losses incurred upon investments or other losses of a similar character.

Rights of participating policyholders to profits.

2. The provisions of subsection 1 of this section shall not interfere with the right of the participating policyholders of any such company to share in the profits realized from the non-participating branch of its business in any case in which

such policyholders are so entitled under the Acts relating to such company in force at the time of the passing of this Act.

*Assessment Life Insurance Companies.*

Application.

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

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Assessment companies.

**113.** *After the passing of this Act no company of the class herein referred to as assessment companies, which carries 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, shall be licensed or registered to carry on business under this Act; provided that a license to any such company in force at the time of the passing of this Act may nevertheless be from time to time renewed, subject however to the requirements respecting such licenses herein contained; and provided also that nothing in this section contained shall affect or apply to the societies or associations of individuals described in subsection 3 of section 3 of this Act.*

Exemption of existing companies.

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

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.

Condition of license.

**118.** *It shall be a condition of the license of every company licensed under this Act to carry on the business of assessment life insurance as described in section 113 of this Act, whether such condition be expressed in the license or not, for the breach of which the license may be cancelled or withdrawn by the Minister, that every policy delivered in Canada shall contain in substance the following terms or provisions:—*

Policy to contain certain words.

(*a*) *It 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 largesized type the words:*—"This association is not required by law to maintain the reserve which is required of ordinary life insurance companies." *This paragraph shall also apply to every application used in Canada and to every application and policy delivered by a Canadian company outside of Canada.*

Promise to pay out out of certain funds.

(*b*) *It shall contain a promise to pay the whole amount mentioned in the policy 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.*

State where action may be brought.

(*c*) *If the policy is issued by a British or foreign company it shall provide that an action to enforce the obligations 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.*

"Assessment System."

(*d*) *It shall have the words "assessment system" printed in large type at the head. This paragraph shall also apply to every application and to every circular or advertisement issued by any such company in connection with the business of an assessment company.*

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Assuring annuities prohibited.

**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.

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Notice of intention to maintain a reserve.

**123.** If any company licensed or registered under this Act to carry on the business of life insurance on the assessment system, has filed in the Department notice of its

intention, after the date mentioned in the said notice, to maintain in respect of all policies issued after the said date, in the case of a Canadian company, or in respect of all policies issued in Canada after the said date, in the case of a company other than a Canadian company, the reserve required by this Act to be maintained by ordinary life insurance companies upon contracts of life insurance with fixed and definite premiums, such company shall, with respect to all policies issued after the said date, if a Canadian Company, and with respect to all policies issued in Canada after the said date, if a company other than a Canadian company, maintain for the security of the holders of the 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 assessment life insurance companies, except it shall not assure to any of its members a certain annuity, either immediate or deferred, whether for life or for a term of years, or any endowment whatever.

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 INSURANCE.

*Application of Part.*

Application.

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

*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

Steps to be taken.

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.

Order for release of securities.

2. After that day if the Minister, with the concurrence of the Treasury Board is satisfied that the company has ample assets to meet its liabilities to Canadian policyholders, he may order that all the securities be released to it, or that a sufficient amount of them be retained to cover the value of all risks outstanding or respecting which opposition has been filed, and that the remainder be released.

Further releases.

3. Thereafter from time to time as such risks lapse, or proof is adduced that they have been satisfied, further amounts may be released on the authority aforesaid.

Payment of losses after cancellation of license.

**132.** When a company has ceased to transact business in Canada after the notice by this Part required has been given, and its license has in consequence been withdrawn, such company may, nevertheless, pay the losses arising upon policies not reinsured or surrendered, as if such license had not been withdrawn.

*Fire Policies.*

ion of policies.

**133.** No fire policy shall be issued for or extend over a longer period than three years.

*Reserve Liability.*

Computation for annual statement.

**134.** For the purposes of the annual statement required to be furnished to the Superintendent under this Act by any company transacting fire or inland marine insurance, or both, the liability of the company if a Canadian company in respect of all its outstanding unmatured policies, or if a *British or foreign* 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 *British or foreign* company shall be the full unearned premiums computed *pro rata* as aforesaid. Proviso.

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.*

**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, *to a value at least fifteen per cent in excess of* the total of the unearned premiums upon all its outstanding unmatured policies, calculated *pro rata* for the time unexpired, together with the amount of matured claims and all its other liabilities of every kind. Assets, minimum amount of.

2. Subject to the provisions of subsection 4 of this section, no dividend shall be paid by any such company while its capital is impaired or while its assets are less than the amount required by the next preceding subsection, nor shall any dividend be paid which would reduce its assets below the said amount or impair its capital. Dividend not to impair capital.

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

(*a*) forthwith withdraw the company's license; or Penalty.

(*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:

Proviso.

Provided, however, that if the company's assets are less than the *total liabilities including the unearned premiums* calculated as *provided in subsection 1 of this section*, 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.

"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.

Appropriation of profits for surplus.

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 appropriate towards the surplus of such company at least twenty-five per cent of the profits of the company for the year last past.

Rebating prohibited.

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

**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 *licensed under this Act* who violates or knowingly consents to or permits the violation of the next preceding section by any agent, officer, employee or servant of the company, shall be liable to a penalty of five hundred dollars. 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 Department 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 in this Act contained, any person may insure his property, or any property in which he has an insurable interest, situated in Canada with any British or foreign unlicensed insurance company or underwriters, and may also insure with persons who reciprocally insure for protection only and not for profit; and any property insured or to be insured under the provisions of this section may be inspected and any loss incurred in respect thereof adjusted: Provided such insurance is effected outside of Canada and without any solicitation whatsoever directly or indirectly on the part of such company, underwriters or persons by which or whom the insurance is made; and provided further that no such company, underwriters or persons shall within Canada advertise their business in any newspaper or other publication or by circular mailed in Canada or elsewhere, or maintain an office or agency therein for the receipt of applications or the transaction of any act, matter or thing relating in any way to their said business. Insurance in unlicensed companies. Proviso.

2. Every person so insuring property situated in Canada shall make a return to the Superintendent giving the location and a brief description of the property insured, Return to Superintendent.

the amount of the insurance, and whether insured in Lloyds, or some similar association, or in mutuals, reciprocal or other class of insurers, such return to be made by delivering or mailing it in a registered letter addressed to the Superintendent not later than the first day of March in each year for the year ending on the preceding thirty-first day of December.

Forms.

3. Blanks forms for such statements shall be supplied by the Superintendent.

Penalty for default.

4. Default in compliance with the requirements of paragraph 2 of this section by the insured shall subject him to a penalty of ten dollars for each day during which default continues recoverable and applicable in the manner prescribed in subsection 2 of section 69 of this Act.

## PART IV.

### INSURANCE OTHER THAN LIFE OR FIRE.

*Licenses.*

Application of Part.

**140.** This Part applies to companies carrying on business of insurance other than life or fire insurance.

License required.

**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.

Provisions applicable.

**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.

Proviso.

Hail surplus fund.

**142A.** *Every Canadian company licensed to transact the business of hail insurance in Canada shall, in the year one thousand nine hundred and seventeen, set aside as a hail insurance surplus fund the total profit realized from such business during the said year, not exceeding however, fifty per cent of the total net premiums received in respect of such business during the year, and shall in each year thereafter, continue so to do,*

*nuiil or so that the said surplus fund shall in any year be not less than fifty per cent of the said premiums received during the preceding calendar year.*

British and foreign companies.

2. *Every British and foreign company licensed under this Act to transact the business of hail insurance in Canada shall at all times maintain assets in Canada as defined by subsection 2 of section 20 of this Act, in excess of the amount required to be maintained in respect of its business other than that of hail tnsurance by an amount at least equal to fifty per cent of the total net premiums received by it in respect of its business of hail insurance in Canada during the preceding calendar year.*

Conditions of policies.

**142B.** *It shall be a condition of the license of every company licensed under this Act to carry on the business of accident insurance or sickness insurance, or both, whether such condition be expressed in the license or not, for the breach of which the license may be cancelled or withdrawn by the Minister, that on and after the first day of January, one thousand nine hundred and eighteen no policy of accident insurance providing for the insurance of the person and no policy of sickness insurance shall be delivered in Canada by any such company until a copy of the form of such policy and a copy of the company's classification of risks and established premium rates applicable to such policy have been mailed by prepaid registered letter to the Superintendent, and that every such policy shall contain in substance the terms or provisions hereinafter specified.*

Accident insurance.

2. *If the policy insures against bodily injury or death by accident, it shall contain in substance the following terms and provisions:—*

Contract.

(*a*) *that the policy, including the endorsement and attached papers, if any, contains the entire contract of insurance, except as it may be modified by the company's classification of risks and premium rates as provided in paragraph (g) of this subsection.*

Nature of statements.

(*b*) *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 the written application for the policy and unless a copy of such application, or of such parts thereof as are material to the contract, is endorsed upon or attached to the policy when issued.*

Reinstatement.

(*c*) *that if default be made in the payment of the agreed premium for the policy the subsequent acceptance of a premium by the company or by any of its duly authorized agents shall reinstate the policy to cover accidental injury thereafter sustained.*

Change of occupation.

*(d) that if the insured shall at any time change his occupation to one classified by the company as less hazardous than that stated in the policy the company, upon written request of the insured and surrender of the policy, will cancel the same and will return to the insured the unearned premium.*

Time of payment.

*(e) that all indemnities provided in the policy for loss other than that of time on account of disability, will be paid immediately upon receipt of due proof.*

Payment at intervals in case of disability.

*(f) that upon request of the insured and subject to due proof of loss, the accrued indemnity for loss of time on account of disability will be paid at intervals not exceeding sixty days during the continuance of the period for which the company is liable and any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of due proof.*

Reduction of amount payable.

*(g) if the policy provides that the company may, on account of a change of occupation of the insured, pay an amount less than the full amount for which the policy was issued, it shall also provide that the performance of ordinary duties about his residence or while engaged in recreation shall not be regarded as a change of occupation, and that if such changed amount is dependent upon the premium rates and classification of risks, such premium rates and classification of risks shall mean only such as have been last filed by the company with the Superintendent in accordance with the provisions of this section.*

Notice of injury.

*(h) if the policy provides that written notice of injury must be given to the company within a specified period after the date of the accident causing such injury, such period shall be not less than thirty days.*

Failure to give notice.

*(i) that such notice, if any, may be given by or on behalf of the insured or beneficiary, as the case may be, to the company at its head office or to any authorized agent of the company, and that failure to give such notice within the time provided in the policy shall not invalidate the claim if it shall be shown that it was not reasonably possible to give such notice within such time, and that notice was given as soon as was reasonably possible.*

Forms for proof of loss.

*(j) that the company will, upon receipt of such notice, furnish to the claimant such forms as are usually furnished by it for filing proofs of loss, and that if such forms are not so furnished within fifteen days after the receipt of such notice, the claimant shall be deemed to have complied with the requirements of the policy as to proof of loss if he submits within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, character, and extent of the loss for which claim is made.*

(*k*) *if the policy provides that proof of loss must be furnished to the company within a specified period, it shall provide that such period shall be not less than ninety days after the date of the accident or after the termination of the period for which the company is liable, and it shall also provide that in the case of a claim arising from the death of the insured, the proof required to be furnished shall be such proof as is reasonably possible having regard to the circumstances under which the accident was incurred.* Time for filing proof of loss.

(*l*) *if the policy provides that the company may cancel the policy at any time by written notice and return of the unearned portion of the premium paid, it shall also provide that the policyholder may at any time cancel the policy and be entitled to receive on cancellation the premium paid less the usual short rate charged by the company for the period the policy has been in force.* Cancellation.

(*m*) *if the policy imposes a limit on the time within which action may be brought to recover on the policy, the time so limited shall be not less than two years from the expiration of the time within which proof of loss is required by the policy to be filed.* Action.

(*n*) *if the policy is issued by a British or foreign company it shall contain a provision that an action to enforce the obligations of such policy may be validly taken in any Court of competent jurisdiction in the province where the policyholder resides or last resided before his decease.* Where brought.

3. *If the policy insures against sickness it shall contain in substance the following terms and provisions:—* Sickness insurance.

(1) *the provisions specified in paragraphs (a), (b), (d), (f), (g), (l), (m) and (n) of subsection 1 of this section.*

(*2*) *that if default be made in the payment of the agreed premium for the policy the subsequent acceptance of a premium by the company or by any of its duly authorized agents shall re-instate the policy to cover such sickness as may begin more than ten days after the date of such acceptance.* Reinstatement.

(*3*) *if the policy provides that written notice of sickness must be given to the company within a specified period after the date of the commencement of disability from such sickness, such period shall be not less than fifteen days.* Notice of sickness.

(*4*) *that such notice, if any, may be given by or on behalf of the insured or beneficiary, as the case may be, to the company at its Head Office, or to any authorized agent of the company, and that failure to give such notice within the time provided in the policy shall not invalidate the claim if it shall be shown that it was not reasonably possible to give such notice within such time and that notice was given as soon as was reasonably possible.* Failure to give notice.

Forms for proof of loss.

*(5) that the company will, upon receipt of such notice, furnish to the claimant such forms as are usually furnished by it for filing proofs of loss, and that if such forms are not so furnished within fifteen days after the receipt of such notice, the claimant shall be deemed to have complied with the requirements of the policy as to proof of loss if he submits within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, character and extent of the loss for which claim is made.*

Time for filing proof of loss.

*(6) if the policy provides that proof of loss must be furnished to the company within a specified period it shall provide that such period shall be not less than ninety days after the termination of the period for which the company is liable.*

Exceptions.

*4. Any of the foregoing terms or provisions which are inconsistent with terms or provisions required to be contained in the policy by the law of the province in which the policy is issued, shall not, to the extent to which they are so inconsistent, be required to be contained in the policy.*

Revocation of license.

**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.

## PART V.

### PROVISIONS APPLICABLE TO COMPANIES HEREAFTER INCORPORATED BY PARLIAMENT.

*Application of Part.*

Application of Part V.

**144.** The provisions of this Part shall apply to every insurance company incorporated by a special Act of the Parliament of Canada after the *fourth day of May, one thousand nine hundred and ten.*

Standard provisions.

2. The provisions of this Part, other than those of section 145, shall also apply to every insurance company incorporated by a special Act of the said Parliament *on or before the said date, but not licensed on or before the said date,* and in any respect in which such provisions are inconsistent with the provisions of the special Act so passed *on or before the said date,* the former shall prevail.

Standard provisions.

**145.** Every special Act of the Parliament of Canada passed after the *said date* 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.

(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. Provisional directors.

(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. Local boards and agencies.

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

(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. Increase of capital stock.

(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. First meeting of shareholders.

(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. Calls on shares.

(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 Commencement of business.

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 for by such shareholder be reckoned as part of the sum required to be paid thereon as in such special Act provided.

Proviso.

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.

Reinsurance.

(9) The company may cause itself to be reinsured against any risk undertaken by it, and may reinsure 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.

**146.** (*a*) There shall be in the case of life insurance companies having a capital stock, whether called by the name of capital stock, guarantee fund or any other name, two classes of directors, namely: directors elected by the shareholders, hereinafter called shareholders' directors, and directors elected by the policyholders, hereinafter called 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 a capital stock or guarantee capital, as the case may be, absolutely in his own right and not in arrears in respect of any calls thereon and the majority of directors so elected shall at all times be persons resident in Canada and subjects of His Majesty by birth or naturalization.

Directors for other than life company.

(*c*) In the case of a company other than a life company there shall be elected at the first annual meeting and

at each subsequent annual meeting a board of not less than nine nor more than fifteen directors, who shall hold office for one year but shall be eligible for re-election.

Directors of life company.

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

Number and composition of board of directors.

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

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.

Qualification for shareholders' director.

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

One vote for each share held.

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

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

(*i*) In the case of a life company every person whose life is insured under a participating policy or participating policies of the company for two thousand dollars or upwards upon which no premiums are due, whether such person is a shareholder of the company or not, herein called a participating policyholder, shall be a member of the company and be entitled to attend and vote at all general meetings of the company; but participating policyholders, as such, shall not be entitled to vote for the election of shareholders' directors: Provided, however, that in case of liquidation of the company, the policyholder as such member shall not be entitled to share in the distribution of the assets or be liable to be placed on the list of contributories. Every holder of a participating policy or policies of the company for four thousand dollars or upwards, exclusive of bonus additions, upon which no premiums are due, who is not a shareholder, and who has paid premiums on such policy or policies for at least three full years shall be eligible for election as a policyholders' director. The policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters.

Proviso.

Elections.

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

President.

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

Quorum.

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

Notice of meetings.

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

Voting.

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

Proxies.

(*o*) Every proxy representing a shareholder must be himself a shareholder and entitled to vote, and an

instrument of proxy shall not be valid unless executed within three months of the date of the meeting at which it is to be used, and unless filed with the secretary of the company at least ten days before such meeting, and shall be used only at such meeting or any adjournment thereof, and may be revoked at any time prior to such meeting. Instruments of proxy.

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

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

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

*By-laws.*

**148.** 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; Stock.

(*b*) the declaration and payment of dividends; Dividends.

(*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; Officers.

(*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; Meetings.

(*e*) the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and, Penalties.

(*f*) the conduct, in all other particulars, of the affairs of the company. Generally.

**149.** The directors may, from time to time, repeal, amend, or re-enact any such by-law; Provided that every Changing by-laws.

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 and Calls thereon.*

Stock to be personal estate.

**150.** The stock of the company shall be personal estate, and shall be transferable in such manner only, and subject to such conditions and restrictions as are prescribed by this Part, or by the Special Act or the by-laws of the company.

Allotment of stock.

**151.** 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.

**152.** The directors of the company may call in and demand from the shareholders thereof respectively, all sums of money by them subscribed at such times and places and in such payments or instalments as the Special Act or this Act requires or 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.

**153.** 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 shall be disposed of as the directors by by-law or otherwise prescribe.

Restriction as to transfer.

**154.** 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.

Salaries of directors and officers.

**155.** No salary, compensation or emolument shall be paid to any director of a Canadian life insurance company for his services as such director unless authorized by a vote of the members in the case of a mutual company, and by a vote of the shareholders and other members, if any, in

the case of a company having capital stock. No salary, compensation or emolument shall be paid to any officer or trustee of any such company unless authorized by a vote of the directors, nor shall any salary, compensation or emolument amounting in any year to more than five thousand dollars be paid to any agent or employee unless the contract under which such amount becomes payable has been approved by the board of directors.

*Books of the Company.*

Stock book to be kept containing;

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

names of shareholders;

(*a*) the names, alphabetically arranged, of all persons who are or have been shareholders;

address and calling;

(*b*) the address and calling of every such person, while such shareholder;

number of shares;

(*c*) the number of shares of stock held by each shareholder;

amount paid in;

(*d*) the amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;

transfers of stock;

(*e*) all transfers of stock, in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and,

names, addresses and calling of directors.

(*f*) the names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director, and distinguishing in the case of a life company between shareholders' directors and policyholders' directors.

Powers of directors as to entries of transfers.

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

Transfer valid only after entry.

**158.** No transfer of stock, unless made by sale under execution or under the decree, order or judgment of a court of competent jurisdiction, shall be valid for any purpose whatsoever until entry thereof has been duly made in such books 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.

Exception.

Stock books to be open for inspection.

**159.** Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the

company, and their personal representatives, and in the case of life companies of the participating policyholders, at the head office or chief place of business of the company, and every shareholder, creditor or personal representative and participating policyholder may make extracts therefrom.

*Offences and Penalties.*

Entries falsely made or neglected.

Penalty.

**160.** Every director, officer or servant of the company who knowingly makes or assists in making any untrue entry in any book required by this Part to be kept by such company, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of an indictable offence, and liable to imprisonment for any term not exceeding two years.

Neglect to permit inspection.

Penalty.

**161.** Every company which neglects to keep open for inspection, as required by this Part, any book or books required by this Part to be kept by such company shall forfeit its corporate rights.

*Shareholders' Liability.*

Liability of shareholder to creditors.

**162.** Every shareholder shall, until the whole amount of his stock has been paid up, be individually liable to the creditors of the company to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor until an execution against the company at the suit of such creditor has been returned unsatisfied in whole or in part.

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.

**163.** The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the amount of their respective shares in the capital stock thereof.

Trustees not personally liable.

Estate liable.

**164.** No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner and to the same extent as the testator,

or intestate if living, or the minor, ward or interdicted person or the person interested in such trust fund if competent to act and holding such stock in his own name, would be liable.

Pledge or 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.*

Notice.

**165.** In the absence of other provisions in that behalf in the Special Act or in the by-laws of the company or in this Act, notice of the time and place for holding general meetings of the company shall be given at least ten days previously thereto, in some newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto.

Arrears prevent voting.

**166.** No shareholder who is in arrear in respect of any call shall vote at any meeting of the company.

One vote for each share.

2. In the absence of other provisions, in manner aforesaid, every shareholder shall be entitled to as many votes at all general meetings of the company as he owns shares in the company, and may vote by proxy.

Proxies.

Trustees and pledgeors may vote as shareholders.

**167.** Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his possession in his fiduciary capacity at all meetings of the company, and may vote as a shareholder; and every person who pledges his stock may, notwithstanding such pledge, represent the said stock at all such meetings, and vote as a shareholder.

Special meetings may be called by shareholders.

**168.** Shareholders who hold one-fourth part in value of the subscribed stock of the company may at any time by written requisition signed by them call a special general meeting of the company for the transaction of any business specified in such requisition, and in the notice made and given for the purpose of calling such meeting.

*Contracts.*

Contracts by agents and officers.

**169.** Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance

with his powers as such under the by-laws of the company, shall be binding upon the company.

Affixing seal unnecessary.

2. In no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order.

Agent or officer not liable.

3. The person so acting as agent, officer or servant of the company, shall not be thereby subjected individually to any liability whatsoever to any third person therefor.

*Trusts.*

Company not liable as to execution of trusts.

**170.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share.

Receipt of shareholders a discharge.

2. The receipt of the shareholder in whose name any share stands in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company.

Application of money.

3. The company shall not be bound to see to the application of the money paid upon such receipt.

*Liability of Directors.*

Liability of directors declaring and paying dividends when company is insolvent.

**171.** If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, and, in the case of a life company, to the participating policyholders, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively: Provided that if any director present when such dividend is declared does forthwith, or if any director then absent does, within five days after he becomes aware of such dividend being declared and is able so to do, enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, in the newspaper published nearest thereto, such director may thereby and not otherwise, exonerate himself from such liability.

Exoneration from liability.

Liability of directors for transfer of shares.

**172.** Whenever entry is made in the company's book of any transfer of stock not fully paid up, to a person who is not apparently of sufficient means, the directors shall be jointly and severally liable to the shareholders and creditors of the company, and, in the case of a life company, to the participating policyholders thereof, in the same manner and to the same extent as the transferring shareholder, except for such entry, would have been liable: Provided that if any director present when such entry is allowed does forthwith, or if any director then absent does within five days after he becomes aware of such entry, and is able so to do, enter on the minute book of the board of directors, his protest against such transfer, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability.

Exoneration from liability.

Liability in case of loans by company to directors or officers.

**173.** If any loan is made by the company to any director or officer of the company in violation of the provisions of this Part, all directors and other officers of the company who make the same or assent thereto shall be jointly and severally liable to the company for the amount of such loan, and also to third persons to the extent of such loan, with lawful interest, for all debts of the company contracted from the time of the making of such loan to that of the repayment thereof.

Liability of directors for wages unpaid.

**174.** The directors of the company shall be jointly and severally liable to the clerks and servants thereof, for all debts, not exceeding one year's wages, due for services performed for the company whilst they are such directors respectively: Provided that no director shall be liable to an action therefor, 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.

**175.** The company shall not loan any of its funds to any director or officer thereof, except that a life insurance

company may lend to any director or officer thereof on the security of the company's own policies.

*Procedure.*

Enforcement of payments of calls.

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

Form of action.

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

Service of process on company.

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

Constructive service.

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

Publication.

one newspaper, and such publication shall be deemed to be due service upon the company.

Actions against shareholders.

**179.** Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Winding-up Act to apply.

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

*Evidence.*

Evidence of by-laws.

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

Books of company *prima facie* evidence.

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

Proof of being a shareholder.

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

*Cost of Incorporation.*

Cost of incorporation chargeable to shareholders.

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

Statement of expenses of organization.

**184A.** *At the time application is made for a license under this Act by a company incorporated by the Parliament of Canada after this section comes into force, there shall be submitted to the Minister a sworn statement setting forth the several sums of money paid in connection with the incorporation and organization of the company, and such statement shall, in addition, include a list of all the unpaid liabilities, if any, in connection with or arising out of such incorporation and organization.*

To what limited.

2. *Until the license is granted, no payments on account of incorporation and organization expenses shall be made out of the moneys paid in by shareholders, except reasonable sums for the payment of clerical assistance, legal services, office rental, advertising, stationery, postage and expenses of travel, if any.*

Conditions precedent to issue of license.

3. *The Minister shall not issue the license until he is satisfied that all the requirements of this Act and of the Special Act incorporating the company, as to the subscriptions to the capital stock, the payment of money by shareholders on account of their subscriptions, the election of directors and other preliminaries have been complied with, and unless he is satisfied that the expenses of incorporation and organization, including the commission payable for the sale of the company's stock are reasonable.*

If license not obtained shareholders to control payments.

**184B.** *If the company does not obtain a license before the expiry of its Act of incorporation, and if stock books have been opened and subscriptions in whole or in part paid, no*

*part of the money so paid, whether on account of capital or of premium on capital or accrued interest thereon, shall be disbursed for commissions, salaries, charges for services or for other purposes, except a reasonable amount for payment of clerical assistance, legal services, office rental, advertising, stationery, postage and expenses of travel, if any, unless it is so provided by resolution of the subscribers at a meeting convened after notice, at which the greater part of the money so paid is represented by subscribers or by proxies of subscribers; and each subscriber shall be entitled at such meeting to one vote for each ten dollars paid, either as capital or as premium on capital, on account of his subscription.*

Meeting and application to court to fix amount of payments.

*2. If the amount allowed by such resolution for commission, salaries or charges for services be deemed insufficient by the provisional directors or directors, as the case may be, or if no resolution for such purpose be passed after a meeting has been duly called, then the provisional directors or directors may apply to a judge of any superior or county court having jurisdiction where the head office of the company is situated, to settle and determine all charges and the reasonableness of the amount of the disbursements already made, to which such money and interest if any, shall be subject, before distribution of the balance to the subscribers.*

Notice of meeting.

*3. Notice of the meeting and notice of the application respectively referred to in the next preceding subsections shall be given by mailing the notice in the post office, registered and post paid, at least twenty-one days prior to the date fixed for such meeting or the hearing of such application, to the several subscribers at their respective post office addresses as shown by the stock books; and each of such notices shall contain a statement, in summary form, of the several amounts for commissions, salaries, charges for services and disbursements which it is proposed shall be provided by resolution for payment, or settled and determined by a judge, as the case may be.*

Voting.

*4. Votes of subscribers may be given at such meeting by proxy, but the holder of such proxy must be himself a subscriber, and subscribers may be heard either in person or by counsel on such application.*

Payments by subscribers.

*5. In order that the sums paid and payable under the provisions of this section may be equitably borne by the subscribers, the provisional directors or the directors, as the case may be, shall, after the amount of such sums is ascertained as herein provided, fix the proportionate part thereof chargeable to each subscriber in the ratio of the number of shares in respect of which he is a subscriber to the total number of shares bona fide subscribed.*

Making good of deficiency.

*6. The respective amounts so fixed shall, before return to the subscribers of the sums paid in by them, be deducted therefrom, and if the respective sums paid in are less than the*

*amounts so fixed, then the deficiency in each case shall be payable forthwith by the subscriber to the provisional directors or the directors, as the case may be.*

How provided for.

*7. The total of the amounts of deficiency mentioned in the next preceding subsection which the provisional directors or the directors are unable to get in or collect in what seems to them a reasonable time, shall, with any legal cost incurred, be deducted by them from the sums then remaining in their hands to the credit of the several subscribers in the ratio hereinbefore mentioned, the shares in respect of which no such collections have been made being eliminated from the basis of calculation.*

Return to subscribers.

*8. The provisional directors or the directors, after payment by them of the sums payable under this section, shall return to the subscribers, with any interest accretions, the respective balances of the moneys paid in by the subscribers.*

*Declaration of Profits.*

Profits from participating policies.

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

Surrender of policy.

**186.** In the case of life companies, whenever any holder of a policy other than a term or natural premium policy has paid three or more annual premiums thereon or their equivalent half-yearly or quarterly premiums and fails to pay any further premium or desires to surrender the policy, the premiums paid shall not be forfeited, but he shall be entitled to receive a paid-up and commuted policy for such sum as the directors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy; such sum in either case to be ascertained upon principles to be adopted by by-law applicable generally to all such cases as occur, or extended insurance under the policy for a period proportionate to such cash surrender value.

Surrender value.

To be inserted in policy.

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

Liens.

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

Policy to be continued in force.

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

## PART VI.

### PENALTIES FOR OFFENCES NOT OTHERWISE PROVIDED FOR.

Contravention of Act.

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

Penalty.

Liability for damages.

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

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

## PART VII.

**188.** *The schedule to the Insurance Act, 1910, is hereby enacted as a schedule to this Act.* Schedule.

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

The Supreme Court of the Independent Order of Foresters; Exception.

The Grand Council of the Catholic Mutual Benefit Association of Canada;

The Canadian Order of the Woodmen of the World.

*2. The Insurance Act, 1910, is hereby repealed.* Repeal, 1910, c. 32.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 53.

An Act respecting Insurance.

First reading, Moy 25, 1917.

Sir. THOMAS WHITE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917.

THE HOUSE OF COMMONS OF CANADA.

# BILL 54.

An Act to amend the Criminal Code (respecting Insurance).

1907, cc. 7, 8, 9, 45; 1908, cc. 10, 18; 1909, c. 9; 1910, cc. 10, 11, 12, 13; 1912, cc. 18, 19; 1913, c. 13; 1914, c. 24; 1915, c. 12.

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

**1.** The *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes of Canada, 1906, is amended by inserting the following section immediately after section five hundred and eight B, as enacted by chapter twelve of the statutes of 1915:—

Soliciting or carrying on business of insurance forbidden except as permitted under proviso.

"**508**C. (1) Every one shall be guilty of an indictable offence who, within Canada, except on behalf of or as agent for a company, thereunto duly licensed by the Minister of Finance, or on behalf of or as agent for or as a member of an association of individuals formed upon the plan known as Lloyd's or formed for the purpose of inter-insurance and so licensed, solicits or accepts any insurance risk, or issues or delivers any interim receipt or policy of insurance, or grants in consideration of any premium or payment any annuity on a life or lives, or collects or receives any premium for insurance, or carries on any business of insurance, or inspects any risk, or adjusts any loss, or prosecutes or maintains any suit, action or proceeding, or files any claim in insolvency relating to such business, or receives directly or indirectly any remuneration for doing any of the aforesaid acts.

Penalty.

"(2) Any one convicted of any such offence shall for a first offence be liable to a penalty of not more than fifty dollars or less than twenty dollars, and, in default of payment, to imprisonment with or without hard labour for a term of not more than three months or less than one month, and for a second or any subsequent offence to a penalty of not more than one hundred dollars or less than fifty dollars

and in addition thereto to imprisonment with hard labour for a period of not more than six months or less than three months.

Limitation.

" (3) All information or complaints for any of the aforesaid offences shall be laid or made within one year after the commission of the offence.

Disposal of fine.

" (4) One-half of any pecuniary penalty mentioned in this section shall, when recovered, belong to His Majesty and the other half thereof to the informer.

Proviso enumerating permitted business.

Provided that nothing in this section contained shall be deemed to prohibit or affect or to impose any penalty for doing any of the acts in this section described:

(*a*) by or on behalf of a company incorporated under the laws of any province of Canada for the purpose of carrying on the business of insurance;

(*b*) by or on behalf of any society or association of persons thereunto specially authorized by the Minister of Finance or the Treasury Board;

(*c*) in respect of any policy or risk of life insurance issued or undertaken on or before the thirtieth day of March, 1878, by or on behalf of any company which has not since the last mentioned date received a license from the Minister of Finance;

(*d*) in respect of any policy of life insurance issued by an unlicensed company to a person not resident in Canada at the time of the issue of such policy;

(*e*) in respect of the insurance of property situated in Canada with any British or foreign unlicensed insurance company or underwriters, or with persons who reciprocally insure for protection and not for profit, or the inspection of the property so insured, or the adjustment of any loss incurred in respect thereof, if the insurance is affected outside of Canada without any solicitation whatsoever directly or indirectly on the part of the company, underwriters or persons by which or by whom the insurance is made;

(*f*) solely in respect of marine or inland marine insurance."

54.

7th Session, 12th Parliament, 7-8 George V, 1917.

THE HOUSE OF COMMONS OF CANADA.

BILL 54.

An Act to amend the Criminal Code (respecting Insurance).

First reading, May 29, 1917.

MR. DOHERTY.

OTTAWA

Printed by J. DE L. TACHÉ

Printer to the King's most Excellent Majesty

1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 55.

An Act to amend the Penny Bank 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. 31; 1911, c. 18.

**1.** The *Penny Bank Act*, chapter 31 of the Revised Statutes of Canada, 1906, is amended by inserting the following subsection immediately after the first subsection of section twenty-six thereof:—

"(1) (*a*) The board may also withdraw such portion of the amounts from time to time at the credit of the bank in the Government savings bank, or post office savings bank, as the Minister of Finance may approve, for the purpose of using and investing the same in the purchase of such bonds, debentures, stocks or other securities of the Government of the Dominion of Canada as the Minister may approve, and may apply towards paying the working expenses, or for the purpose of augmenting the guarantee fund of the bank, such portion of the interest or other profit received from such investments as represents the excess of the interest or profit so received over the interest paid or allowed by the bank to depositors therein." Withdrawals for investment in Government securities, and application of interest.

**2.** The said Act is further amended by inserting the following section immediately after paragraph two of section twenty-six thereof:—

"**3.** All bonds, debentures, stocks and other securities of the Government of the Dominion of Canada which may be purchased by the board shall be deposited with the Minister of Finance, and when the same or any part thereof are thereafter paid off or sold, the proceeds shall be deposited to the credit of the bank in a Government savings bank or in a post office savings bank to the credit of the bank." Securities deposited with Minister, and proceeds credited to Bank.

Investments.

**3.** Paragraph (*d*) of section twenty-seven of the said Act is amended by inserting the words " except as by this Act permitted " before the word " invest " in the first line thereof.

Annual report to Minister.

**4.** Section thirty-seven of the said Act is amended by striking out the words " months of June and December " in the third line thereof and substituting therefor the words " month of June."

**55.**

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 55.

An Act to amend the Penny Bank Act.

First reading, May 29, 1917.

SIR THOMAS WHITE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 56.

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:— 1913, c. 9; 1915, c. 1; 1916, c. 10.

**1.** Subsections twelve to twenty inclusive of section eighty-eight of *The Bank Act*, and the schedule thereto, as enacted by section two of chapter ten of the statutes of 1916, are repealed, and the following subsections are substituted therefor:—

Bank may lend on security of live stock.

"12. The bank may lend money to a farmer and to any person engaged in raising or feeding live stock upon the security of his live stock. "Live stock," for the purposes of this subsection and of subsections thirteen to twenty, both inclusive, means horses, cattle, sheep and swine, and the offspring of any such animals, and shall include wool clipped from sheep while such sheep are subject to such security.

Form of security.

"13. The security may be taken in the form set forth in Schedule H to this Act, or in a form to the like effect.

Priority of bank's claim.

"14. The bank shall, by virtue of the security taken under subsections twelve and thirteen of this section, have priority over creditors of the grantor or subsequent purchasers or mortgagees in good faith for valuable consideration and shall have full power, right and authority, if the bills or notes therein mentioned or described or any of them are not paid according to their tenor, or if the advance be not paid at maturity, to enter upon the premises upon which the live stock mentioned in the security are, in order to take possession of or seize and at the option of the bank remove such live stock, and before or after taking possession, seizing or removing, to sell such live stock, or such part thereof as may be necessary to realize the amount due and payable, at public auction, not less than five days after,—

Entry, seizure and sale.

Notice.

(*a*) notice of the time and place of such sale has appeared in a newspaper published in or nearest to the place where the sale is to be made, and

(*b*) posting a notice in writing or in print of the time and place of such sale in or at the post office nearest to the place where the sale is to be made.

Disposal of proceeds of sale.

"15. After all necessary and reasonable expenses in connection with such taking possession, seizure and sale have been deducted, and prior privileges or liens (if any) existing in favour of other persons and valid in law against purchasers or mortagees in good faith for valuable consideration, for which claims in writing have been filed with the person making the sale have been satisfied, the balance of the proceeds of the sale shall be applied in payment of the said bills or notes and the surplus if any returned to the grantor.

Exemptions under provincial law.

"16. If under the provisions of any law in force in the province in which the live stock mentioned in any security taken under subsections twelve and thirteen of this section are situate, any of such live stock are exempt from seizure and sale under any writ of execution, the live stock so exempt shall, to the same extent and subject to the same conditions, be exempt from seizure and sale under or by virtue of the security taken under subsections twelve and thirteen of this section.

Memorandum of assignment to be filed with authorized provincial officer under chattel mortgage or bills of sales acts.

"17. In any province in which there are statutes or laws of the province in force relating to mortgages of goods and chattels, chattel mortgages or bills of sale, if the officer or person, with whom or in whose office a mortgage of goods and chattels, chattel mortgage or bill of sale may pursuant to such statutes or laws be registered or filed, is authorized and empowered by the legislation of the province to receive and file the memorandum of the security taken under subsections twelve and thirteen of this section, in the form set forth in Schedule I to this Act or in a form to the like effect, then such memorandum shall be filed with the officer or person with whom, or in the office of the officer or person in which, a mortgage of goods and chattels, chattel mortgage or bill of sale of the live stock mentioned in the security if executed might, in order to have priority over creditors of the grantee, subsequent purchasers or mortgagees, under the statutes or laws of the province, have been registered or filed.

Memorandum of assignment to be filed with prothonotary in other cases.

"18. In any province in which there are no statutes or laws of the province in force relating to mortgages of goods and chattels, chattel mortgages or bills of sale and the filing or registration thereof, then if the prothonotary for the respective judicial districts in such province is empowered and authorized by legislation of the province to receive and file the memorandum of the security taken under subsections twelve and thirteen of this section, in the form set forth in Schedule I to this Act or in a form to the like effect, then such memorandum shall be filed with the prothonotary

for the judicial district in which the live stock mentioned in the security are at the time of the execution of such security.

"19. The registration or filing referred to in the two preceding subsections shall be in such manner as may be prescribed by the legislation of the province, and such fee shall be paid for filing and for the right to any person to examine the memorandum and the record of the registration and filing thereof, and for filing a notification of release by the bank, as may be by such legislation prescribed. Filing, fees and examination.

"20. If after such legislation of the province has been enacted and becomes effective the said memorandum is not filed within fifteen days after the execution of the security to which it relates, the security so taken shall be null and void as against creditors of the grantor and as against subsequent purchasers or mortgagees in good faith for valuable consideration." To be filed within 15 days of execution of security.

## SCHEDULE H.

In consideration of an advance of dollars by the Bank to A.B., for which the said Bank holds the (following) bills or notes (*describe the bills or notes if any*) [or, In consideration of the discounting of the (following) bills or notes by the Bank for A.B. (*describe the bills or notes*)], (*or* mentioned in the Schedule hereto) and, inasmuch as the said advance (or the said discounting, *as the case may be*) is made upon the security of the live stock (here) mentioned, (*or* in the Schedule hereto) (*describe live stock and place or places where the live stock are*) the said live stock are hereby assigned to the said Bank as security for the payment, on or before the day of of the said advance together with interest at the rate of per centum per annum from the day of (*or*, of the said bills or notes or renewals thereof or substitutions therefor, and interest thereon, *as the case may be*).

This security is given under the provisions of subsections twelve and thirteen of section eighty-eight of *The Bank Act*, and is subject to the provisions of the said Act.

Dated at.....

.....

(N.B.—*The bills or notes and the live stock assigned may be set out in a schedule annexed instead of being described in the body of the instrument.*)

## SCHEDULE I.

Public notice is hereby given that under subsections twelve and thirteen of section eighty-eight of *The Bank Act* the live stock hereinafter described were assigned on the day of by of to the Bank of at to secure an advance of $ with interest (*or*, to secure the discount by the bank of bills and notes aggregating a maturity value of ). The live stock assigned are (*here describe live stock and place or places where live stock are*).

Signed

For the Bank of

56.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 56.

An Act to amend The Bank Act.

First reading, May 29, 1917.

SIR THOMAS WHITE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 57.

An Act to amend The Business Profits War Tax Act 1916.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1916, c. 11.

**1.** Section three of *The Business Profits War Tax Act, 1916*, chapter eleven of the statutes of 1916, is amended by inserting after the word " fourteen " in the eleventh line the following:—

" In any business where the said profits exceed fifteen per centum per annum the said tax shall be increased to fifty per centum with respect to all profits in excess of the said fifteen per centum but not exceeding twenty per centum per annum, and where the said profits exceed twenty per centum per annum the said tax shall be increased to seventy-five per centum with respect to all profits in excess of the said twenty per centum, and such increases in the tax shall be levied against and paid by the person owning such business for each and every accounting period ending after the thirty-first day of December, one thousand nine hundred and sixteen."

Tax when profits exceed 15 per cent.

When they exceed 20 per cent.

**2.** Subsection four of section seven is repealed and the following is substituted therefor:—

" 4. For the purposes of this Act the actual unimpaired reserve, rest or accumulated profits held at the commencement of an accounting period by an incorporated company shall be included as part of its capital as long as it is held and used by the company as capital."

Unimpaired reserve, rest and accumulated profits at beginning of accounting period to be deemed capital while used as such.

2. This section shall be deemed to have come into force on and from the eighteenth day of May, one thousand nine hundred and sixteen.

Section in force from date of passing of original Act.

**3.** Subsection one of section thirteen is amended by striking out all the words after the words "the tax" in

Tax payable one month after assess-

ment instead of 1st November.

the seventh line to the word " In " in the twenty-third line and substituting therefor the following:—

"The tax shall be paid each year within one month from the date of the mailing of the notice of assessment."

Duration of tax.

**4.** Section twenty-six is amended by adding thereto the following paragraph:—

" Provided, however, that with respect to every business liable to taxation hereunder the period for which the returns shall be made and during which it shall be liable for assessment shall be at least thirty-six months, commencing with the beginning of the first accounting period ending after the thirty-first day of December, one thousand nine hundred and fourteen, or for such less period as the business may have been carried on from the beginning of the said accounting period to the end of the period for which the said tax may be levied under this Act."

57.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 57.

An Act to amend The Business Profits War Tax Act, 1916.

First reading, May 29, 1917.

SIR THOMAS WHITE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 58.

An Act to encourage and assist the Improvement of Highways.

Preamble.

WHEREAS the highways of Canada constitute an important part of the facilities which are necessary for any efficient national scheme of transportation and inter-communication; and whereas, with the increasing progress and development of the country it is desirable and expedient to improve and extend the existing highway facilities, and for that purpose to give assistance to the various provinces of Canada: 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 Canada Highways Improvement Act.*

"Minister."

**2.** In this Act the word "Minister" means the Minister of Railways and Canals.

Grant of annual subsidy for highways and bridges.

**3.** The Governor in Council may, in any year, and upon such terms and subject to such conditions as are prescribed by order in council, grant to any province in aid of the improvement of existing highways or bridges, or the construction of new highways or bridges, in such province, or for all or any such purposes, a subsidy not exceeding such sum as may in such year be voted by Parliament for that purpose.

Specifications for improvement and construction to be approved.

Agreement with province.

**4.** Any highway for which aid is granted to a province shall be improved or constructed, as the case may be, according to descriptions, conditions and specifications approved by the Governor in Council on the report of the Minister, and specified in each case in an agreement between the Minister and the Government of the province, which agreement the Minister, with the approval of the Governor in Council, is hereby empowered to make.

Provisions of agreement.

**5.** Each highway to be constructed or improved shall be defined and described in such agreement, and provision may be made therein for the future maintenance of such highway in good condition according to a specified standard and to the satisfaction of the Governor in Council.

Minister may undertake construction and improvement of highways.

Authority of provincial legislature.

**6.** The Minister, with the approval of the Governor in Council and upon such terms and conditions as are prescribed by order in council, may undertake the construction of any new highway, or the improvement of any existing highway in any province, and may expend in such improvement or construction the whole or any part of the sums voted by Parliament for such subsidy to that province. Provided, however, that the Minister shall first obtain the necessary authority from the legislature of such province and the consent of the Lieutenant Governor in Council.

58.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

BILL 58.

An Act to encourage and assist the Improvement of Highways.

First reading, May 31, 1917.

MR. COCHRANE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 59.

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.** The *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes of Canada, 1906, is amended by inserting the following section immediately after section seventy-nine thereof:—

"**79A.** (1) Any person who votes for any person for any public office, or who takes any active part in any election for any public office by becoming a candidate, speaking, writing, canvassing or driving voters to the poll, who was or is a citizen of any country now or at any time during the past five years at war with Great Britain or her Allies; or who was a subject of any country not allied with Great Britain or her Allies, which does not permit its citizens the rights of expatriation, or holds the doctrine of dual citizenship or who was exiled or banished from any allied country, even though such person may have been granted naturalization in Canada or Great Britain, or may have his or her name on the voters' list; shall be deemed guilty of an offence, and on conviction before a court of competent jurisdiction shall be liable to imprisonment for a term of not less than two years, together with forfeiture of civil rights and all property to the Crown. Penalty for voting for, and taking part in elections by, citizens of country at war with Great Britain or her Allies.

(2) The above provisions shall not apply to any person who is serving or has served in His Majesty's Forces, or has been a naturalized British subject resident in Canada for twenty-five years. The burden of proof as to such exception shall rest upon the voter. Exceptions.

(3) Any person giving such information as will lead to the conviction of any such person shall be entitled to one third of all fines and forfeiture." Application of fines.

7th Session, 12th Parliament. 7-8 George V, 1917.

THE HOUSE OF COMMONS
OF CANADA

# BILL 59.

An Act to amend the Criminal Code.

First reading, May 31 1917

MR. CURRIE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 65.

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:— 1913, c. 9; 1915, c. 1; 1916, c. 10.

**1.** Subsections twelve to twenty inclusive of section eighty-eight of *The Bank Act*, and the schedule thereto, as enacted by section two of chapter ten of the statutes of 1916, are repealed, and the following subsections are substituted therefor:—

"12. The bank may lend money to a farmer and to any person engaged in raising or feeding live stock upon the security of his live stock. "Live stock," for the purposes of this subsection and of subsections thirteen to twenty, both inclusive, means horses, cattle, sheep and swine, and the offspring of any such animals, and shall include wool clipped from sheep while such sheep are subject to such security. Bank may lend on security of live stock.

"13. The security may be taken in the form set forth in Schedule H to this Act, or in a form to the like effect. Form of security.

"14. The bank shall, by virtue of the security taken under subsections twelve and thirteen of this section, have priority over creditors of the grantor or subsequent purchasers or mortgagees in good faith for valuable consideration and shall have full power, right and authority, if the bills or notes therein mentioned or described or any of them are not paid according to their tenor, or if the advance be not paid at maturity, to enter upon the premises upon which the live stock mentioned in the security are, in order to take possession of or seize and at the option of the bank remove such live stock, and before or after taking possession, seizing or removing, to sell such live stock, or such part thereof as may be necessary to realize the amount due and payable, at public auction, not less than five days after,— Priority of bank's claim. Entry, seizure and sale.

(*a*) notice of the time and place of such sale has appeared in a newspaper published in or nearest to the place where the sale is to be made, and Notice.

(*b*) posting a notice in writing or in print of the time and place of such sale in or at the post office nearest to the place where the sale is to be made.

Disposal of proceeds of sale.

"15. After all necessary and reasonable expenses in connection with such taking possession, seizure and sale have been deducted, and prior privileges or liens (if any) existing in favour of other persons and valid in law against purchasers or mortagees in good faith for valuable consideration, for which claims in writing have been filed with the person making the sale have been satisfied, the balance of the proceeds of the sale shall be applied in payment of the said bills or notes and the surplus if any returned to the grantor.

Exemptions under provincial law.

"16. If under the provisions of any law in force in the province in which the live stock mentioned in any security taken under subsections twelve and thirteen of this section are situate, any of such live stock are exempt from seizure and sale under any writ of execution, the live stock so exempt shall, to the same extent and subject to the same conditions, be exempt from seizure and sale under or by virtue of the security taken under subsections twelve and thirteen of this section.

Memorandum of assignment to be filed with authorized provincial officer under chattel mortgage or bills of sales acts.

"17. In any province in which there are statutes or laws of the province in force relating to mortgages of goods and chattels, chattel mortgages or bills of sale, if the officer or person, with whom or in whose office a mortgage of goods and chattels, chattel mortgage or bill of sale may pursuant to such statutes or laws be registered or filed, is authorized and empowered by the legislation of the province to receive and file the memorandum of the security taken under subsections twelve and thirteen of this section, in the form set forth in Schedule I to this Act or in a form to the like effect, then such memorandum shall be filed with the officer or person with whom, or in the office of the officer or person in which, a mortgage of goods and chattels, chattel mortgage or bill of sale of the live stock mentioned in the security if executed might, in order to have priority over creditors of the grantee, subsequent purchasers or mortgagees, under the statutes or laws of the province, have been registered or filed.

Memorandum of assignment to be filed with prothonotary in other cases.

"18. In any province in which there are no statutes or laws of the province in force relating to mortgages of goods and chattels, chattel mortgages or bills of sale and the filing or registration thereof, then if the prothonotary for the respective judicial districts in such province is empowered and authorized by legislation of the province to receive and file the memorandum of the security taken under subsections twelve and thirteen of this section, in the form set forth in Schedule I to this Act or in a form to the like effect, then such memorandum shall be filed with the prothonotary

for the judicial district in which the live stock mentioned in the security are at the time of the execution of such security.

"19. The registration or filing referred to in the two preceding subsections shall be in such manner as may be prescribed by the legislation of the province, and such fee shall be paid for filing and for the right to any person to examine the memorandum and the record of the registration and filing thereof, and for filing a notification of release by the bank, as may be by such legislation prescribed. Filing, fees and examination.

"20. If after such legislation of the province has been enacted and becomes effective the said memorandum is not filed within fifteen days after the execution of the security to which it relates, the security so taken shall be null and void as against creditors of the grantor and as against subsequent purchasers or mortgagees in good faith for valuable consideration." To be filed within 15 days of execution of security.

## SCHEDULE H.

In consideration of an advance of dollars by the Bank to A.B., for which the said Bank holds the (following) bills or notes (*describe the bills or notes if any*) [or, In consideration of the discounting of the (following) bills or notes by the Bank for A.B. (*describe the bills or notes*)], (*or* mentioned in the Schedule hereto) and, inasmuch as the said advance (or the said discounting, *as the case may be*) is made upon the security of the live stock (here) mentioned, (*or* in the Schedule hereto) (*describe live stock and place or places where the live stock are*) the said live stock are hereby assigned to the said Bank as security for the payment, on or before the day of of the said advance together with interest at the rate of per centum per annum from the day of (*or*, of the said bills or notes or renewals thereof or substitutions therefor, and interest thereon, *as the case may be*).

This security is given under the provisions of subsections twelve and thirteen of section eighty-eight of *The Bank Act*, and is subject to the provisions of the said Act.

Dated at.....

.....

(N.B.—*The bills or notes and the live stock assigned may be set out in a schedule annexed instead of being described in the body of the instrument.*)

## SCHEDULE I.

Public notice is hereby given that under subsections twelve and thirteen of section eighty-eight of *The Bank Act* the live stock hereinafter described were assigned on the day of by of to the Bank of at to secure an advance of $ with interest (*or*, to secure the discount by the bank of bills and notes aggregating a maturity value of ). The live stock assigned are (*here describe live stock and place or places where live stock are*).

Signed

For the Bank of

65.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 65.

An Act to amend The Bank Act.

First reading, June 4, 1917.

SIR THOMAS WHITE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 66.

An Act to amend the Judges 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. 138. 1907, cc. 25. 45. 1908, cc. 10, 39. 1909, c. 21. 1910, c. 35. 1912, cc. 29, 56. 1913, c. 28. 1914, c. 38. 1915, c. 6. 1916, c. 25.

**1.** Section fourteen of the *Judges Act*, chapter one hundred and thirty-eight of the Revised Statutes of Canada, 1906, as enacted by section four of chapter twenty-eight of the statutes of 1913, is repealed and the following is substituted therefor:—

Appointment of additional puisne judge.

"**14.** The salaries of the judges of the Supreme Court of Saskatchewan shall be as follows:—

| | *Per annum.* |
|---|---|
| (*a*) The Chief Justice of the Court..... | $7,000 |
| (*b*) Six puisne judges of the Court, each.... | 6,000 |

Appointment of additional County Court Judge.

**2.** Paragraph (*b*) of section sixteen of the said Act, as enacted by chapter twenty-eight of the statutes of 1913, is amended by striking out the words "seventy-three" in the first line thereof and substituting therefor the words "seventy-four".

Travelling expenses of judge not residing in his district.

**3.** Section eighteen of the said Act is amended by adding thereto the following subsection:—

"(7) A judge who is appointed or assigned to a district for the exercise of his ordinary jurisdiction therein, and required by law at the time of his appointment to reside within that district, shall not be entitled to travelling allowances incurred or made necessary by reason of his residing at any place outside of the district to which he is so appointed or assigned, unless his residence at that place be authorized or approved by the Governor in Council."

Subsections 2, 3, 4 and 5 of section 28 to apply to Circuit Court of Montreal.

**4.** The provisions of subsections two, three, four and five of section twenty-eight of the said Act shall apply and extend to the several judges of the Circuit Court of the district of Montreal in the same way that they apply and extend to a judge of a County Court.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 66.

An Act to amend the Judges Act.

First reading, June 4, 1917.

MR. DOHERTY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 67.

An Act to amend the Customs 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. 48; 1907, c. 10; 1908, c. 19; 1911, c. 7; 1914, c. 25.

**1.** Section two of the *Customs Act*, chapter forty-eight of the Revised Statutes of Canada, 1906, is amended by adding at the end thereof the following subsection:—

"(3) The rates and duties of Customs imposed by this Act or the Customs Tariff or any other law relating to the Customs, as well as the rates and duties of customs heretofore imposed by any Customs Act or Customs Tariff or any law relating to the Customs enacted and in force at any time since the first day of July, one thousand eight hundred and sixty-seven, shall be binding, and are declared and shall be deemed to have been always binding upon and payable by His Majesty, in respect of any goods which may be hereafter or have been heretofore imported by or for His Majesty, whether in the right of His Majesty's Government of Canada or His Majesty's Government of any province of Canada, and whether or not the goods so imported belonged at the time of importation to His Majesty; and any and all such Acts as aforesaid shall be construed and interpreted as if the rates and duties of Customs aforesaid were and are by express words charged upon and made payable by His Majesty: Provided, however, that nothing herein contained is intended to impose or to declare the imposition of any tax upon, or to make or to declare liable to taxation, any property belonging to His Majesty either in the right of Canada or of a province." Duties payable on Crown's goods.

**2.** The said Act is amended by inserting the following section immediately after section two hundred and thirteen thereof:—

"**213A.** If any imported goods seized in any building within one hundred yards from the frontier between Canada and any foreign country are forfeited according to law, such building shall also be seized and forfeited, and shall be forthwith taken down and removed." Forfeiture, etc., of building on frontier where goods are seized and forfeited.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 67.

An Act to amend the Customs Act.

First reading, June 4, 1917.

MR. REID.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917.

# THE HOUSE OF COMMONS OF CANADA.

# BILL 68.

An Act to amend the Civil Service Act.

R.S., c. 16; 1908, cc. 6, 15; 1909, cc. 6, 7, 27, 30; 1910, c. 8; 1912, cc. 10, 11, 12, 13, 14, 15, 16; 1913, cc. 12, 38; 1914, c. 21.

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 Civil Service Amendment Act, 1917.*

**2.** Subsection two of section twenty-six of *The Civil Service Amendment Act, 1908,* chapter fifteen of the statutes of 1908, is hereby repealed and the following is substituted therefor:—

Persons placed in third class under 1908 Act who had passed Qualifying Examination, etc., eligible for promotion to second class.

"(3) Any person in the Civil Service who was placed in the third division under the provisions of this Act and who had theretofore passed the Qualifying Examination or had been appointed under the authority of sections thirty-seven or forty of the *Civil Service Act,* chapter sixteen of the Revised Statutes of Canada, 1906, may be promoted from the third division to the second division by the Governor in Council upon the recommendation of the head of the department, based upon the report in writing of the deputy head."

**3.** Sections twenty-nine and thirty and subsection one of section thirty-two of the said Act are repealed, and the following are substituted therefor:—

Minimum in B increased from $800 to $1,000.

"**29.** In the second division the minimum and maximum salaries shall be as follows:—
In subdivision A, $1,600 to $2,100;
In subdivision B, $1,000 to $1,600.

Increase from $900 to $1,000 and from $1,200 to $1,300.

"**30.** In the third division the minimum and maximum salaries shall be as follows:—
In subdivision A, $1,000 to $1,300;

Increase from $800 to $1,000.

In subdivision B, $600 to $1,000.

Increase from $500 to $600 and $800 to $1,000.

"**32.** (1) The minimum and maximum salaries for the positions of messenger, porter, sorter and packer, and for such other positions in the lower grades as are determined by the Governor in Council, shall be $600 and $1,000 respectively, and, unless the official record to be kept as hereinafter provided shows him to be undeserving thereof, there may be given to every person holding such a position an annual increase of fifty dollars until the maximum is reached."

Increase of $100 authorized in certain cases where salary less than $1,000.

**4.** The Governor in Council may grant an increase of one hundred dollars to any clerk in the third division of the Inside Service of the Civil Service and to any person holding any of the positions mentioned in subsection one of section thirty-two of *The Civil Service Amendment Act, 1908*, as enacted by this Act, who

(*a*) is reported by the deputy head to be deserving of such increase; and

(*b*) is in receipt of a salary of less than one thousand dollars.

Salaries less than new minimum to be increased to such minimum.

**5.** Any person now serving in either the second or the third division of the Inside Service or in any of the positions mentioned in said section thirty-two as enacted by this Act, whose salary is less than the minimum salary for such division as fixed by section three of this Act, shall have his salary increased to such minimum.

Date when increases begin.

**6.** All increases granted under sections four and five of this Act shall take effect from the first day of April, one thousand nine hundred and seventeen.

Annual increase not affected.

**7.** Nothing in this Act shall prevent any person from receiving any annual or other increase that may be granted to him under any other Act.

Annual increases in the second division increased from $50 to $100.

**8.** Section thirty-seven of the said Act is repealed and the following is substituted therefor:—

"**37.** (1) There may be given to every officer, clerk or employee in the first or second divisions an annual increase of one hundred dollars, until the maximum of his subdivision is reached.

(2) Unless the official record, to be kept in the manner hereinafter set forth, shows him to be undeserving thereof, there may be given to every officer, clerk or other employee in any subdivision of the third division an annual increase of fifty dollars, until the maximum of his subdivision is reached.

(3) In case of exceptional merit a further increase, not exceeding fifty dollars, may be given in the third division.

(4) The said increase shall only be authorized by the Governor in Council upon the recommendation of the head of the department based on the report in writing of the deputy head, and, in case of officers, clerks and other employees of the third division to whom a further increase is recommended, accompanied by a certificate of merit from the Commission."

Payments, how may be made.

**9.** Any payments or increases authorized under or by the provisions of sections four and five of this Act, and any additional amount required to pay the increase in the annual increases to officers, clerks and employees in the second division, authorized by section thirty-seven of the said Act, as enacted by section eight of this Act, may be paid out of any unappropriated moneys in the Consolidated Revenue Fund of Canada.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 68.

An Act to amend the Civil Service Act.

First reading, June 5, 1917.

Sir Thomas White.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 69.

An Act to repeal The Ocean Telegraph Act. 1913, c. 52.

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

**1.** *The Ocean Telegraph Act,* chapter fifty-two of the statutes of 1913, is hereby repealed. 1913, c. 52 repealed.

**2.** The Governor in Council may repay to the Universal Radio Syndicate the balance remaining unpaid of any deposit made by or on behalf of the Syndicate with His Majesty, after deducting therefrom any money due by the Syndicate to His Majesty. Balance of deposit may be repaid.

**3.** This Act shall come into force upon such date as may be prescribed by proclamation issued by the Governor in Council. Act to come into force by proclamation.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 69.

An Act to repeal The Ocean Telegraph Act.

First reading, June 5, 1917.

MR. HAZEN

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917

7th Session, 12th Parliament, 7-8 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 73.

An Act to amend The Meat and Canned Foods Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1907, c. 27; 1908, c. 48; 1910, c. 38.

**1.** Section two of *The Meat and Canned Foods Act*, chapter twenty-seven of the statutes of 1907, as amended by chapter thirty-eight of the statutes of 1910, is amended by adding thereto the following paragraphs,— Definitions added.

"(*i*) 'fish' does not include shellfish and crustaceans;

(*j*) 'dry lobster meat' means the meat after a can has been opened, turned upside down so as to permit free escape of the liquid, and allowed to drain one minute;

(*k*) 'shellfish' includes crustaceans;

(*l*) 'can' and 'canned fish or shellfish' includes any hermetically sealed glass bottle, package or container, and any fish or shellfish packed in such can, bottle, package or container."

**2.** The said Act is further amended by inserting the following sections immediately after section twelve thereof:—

"**12A.** (1) All fish and shellfish canneries shall be inspected as provided by the regulations. All fish and shellfish packed in cans shall be subject to inspection during the whole course of preparation and packing and all such cans shall be marked with,— Fish, etc., canneries to be subject to inspection. Cans, etc., to be marked.

(*a*) the initials of the Christian names, the full surname and the address, or, in the case of a firm or corporation, the firm or corporation name and address or the name and address of the packer or of the fish dealer obtaining it direct from the packer;

(*b*) a true and correct description of the contents of the can, including the vernacular name and the minimum net weight of the fish or shellfish in the can plainly printed in a conspicuous manner, and the name of the place where the same was packed.

Misleading marks.

(2) No false or misleading mark or name shall be placed on any can of fish or shellfish, whether the same relates to the place where the fish or shellfish has been caught or canned, or to the kind of fish or shellfish, or any other particular relating to the same.

Copy of labels to be sent to Minister.

(3) The owner or manager of every fish or shellfish cannery shall supply the Minister with a copy of each kind of label used in the cannery, and every dealer obtaining canned fish or canned shellfish direct from the packer shall supply the Minister with a copy of each kind of label used by him on such canned fish or canned shellfish.

Exemption in certain cases.

(4) Provided, however, that if it is established to the satisfaction of the Governor in Council that the labelling of the cans of fish or shellfish as prescribed by this section hinders the sale of the same in foreign markets or in the markets of the United Kingdom, he may exempt such cans of fish or shellfish as are exported to such markets from the provisions, or any one or more of the provisions, of this section.

Stopping of canning unfit fish.

"**12B.** Any inspector may at any time stop the canning of any particular fish or shellfish or of any variety of fish or shellfish which he considers unfit for human food.

Fish must be wholesome.

"**12C.** All fish and shellfish used for canning shall be sound, wholesome and fit for human food, and any unsound or unwholesome fish or shellfish may be seized on view by any inspector or otherwise dealt with as may be provided by the regulations.

Contents and size of cans of lobster.

"**12D.** Cans of lobster shall contain the following minimum amounts of dry lobster meat:—

A one-pound can, thirteen ounces, avoirdupois;

A three-quarter pound can, nine and three-quarter ounces, avoirdupois;

A half-pound can, six and one-half ounces, avoirdupois;

A quarter-pound can, three and one-quarter ounces, avoirdupois;

A picnic can, ten ounces, avoirdupois.

No other size of can shall be packed unless the written permission of the Minister has first been obtained.

Designation of B.C. salmon.

'**12E.** British Columbia salmon shall be designated as follows:—

(*a*) Sockeye (*oncorhynchus nerka*) as ' Sockeye Salmon ';

(*b*) Quinnat, Spring Salmon or King Salmon (*oncorhynchus tachawytcha*) as either ' Red Spring Salmon ' or ' White Spring Salmon ';

(*c*) Coho or Silver Salmon (*oncorhynchus kisutch*) as ' Coho Salmon ' or ' Silver Salmon ';

(*d*) Humpback or Pink Salmon (*oncorhynchus gorbuscha*) as ' Pink Salmon '; and

(*e*) Dog Salmon or Chum (*oncorhynchus keta*) as 'Chum Salmon' or 'Qualla Salmon'.

"**12F.** In the event of the provisions of this Act or of any regulations made hereunder or the lawful instructions of inspectors not being complied with in any fish or shellfish cannery, the Minister may refuse to allow the inspection of the fish or shellfish canned therein, and may order the fish or shellfish cannery to be closed. Canneries breaking law may be closed.

"**12G.** No person shall offer or accept for export or shall export any fish or shellfish subject to inspection under this Act, unless the requirements of this Act and of the regulations regarding inspection and marking have been complied with, and every person offering any fish or shellfish for export or exporting the same shall furnish such proof with respect to inspection and marking as is required by the regulations, whether the fish or shellfish so offered for export or exported are subject to inspection or not. Fish not canned in accordance with law, etc., not to be exported.

"**12H.** (1) All canned fish or shellfish imported into Canada shall be correctly labelled so as to indicate the kind and quality of their contents, the place of origin, the name and address of the person, firm or corporation by whom they are packed or by whom they are imported: Provided that the canned fish or canned shellfish imported into Canada to be exported again need not be so labelled. Imported fish to be labelled. Exception.

(2) Unless labelled in accordance with the provisions of this section, no canned fish or shellfish shall be admitted into Canada by any officer of Customs." Duty of Customs officers.

**3.** Any can of fish or shellfish not labelled or marked in accordance with the provisions of this Act or of the regulations before being offered or exposed for sale by retail, shall be forfeited to His Majesty, and may be seized by any inspector, or by any customs, excise or police officer, or by any constable. When liable to seizure.

**4.** This Act shall come into force on the fifteenth day of December, 1918. Commencement of Act.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 73.

An Act to amend The Meat and Canned Foods Act.

First reading, June 7, 1917.

MR. HAZEN.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 74.

An Act to amend The Fisheries Act, 1914.

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 Fisheries Amendment Act, 1917*.

**2.** *The Fisheries Act, 1914*, chapter eight of the statutes of 1914, is amended by inserting the following section immediately after section seven thereof:—

License to operate fish cannery.

"**7A.** No one shall operate a fish cannery for commercial purposes without first obtaining an annual license therefor from the Minister. Where no other fee is in this Act prescribed for a cannery license, the annual fee for each such license shall be one dollar."

Fish oil factories no longer required to be fifty miles apart.

**3.** Subsection two of section nine is amended by striking out all the words after the words "such manufacture" in the third line thereof.

**4.** Subsection one of section forty-two of the said Act is hereby repealed and the following is substituted therefor:—

Fish guards only where Minister deems it necessary.

"**42.** (1) In the provinces of British Columbia, Manitoba, Saskatchewan and Alberta, the Northwest Territories and the Yukon Territory, every ditch, channel or canal constructed or adapted for conducting water from any lake, river or stream, for irrigating, manufacturing, domestic or other purposes, which the Minister deems it necessary in the public interest to be so provided, shall be provided at its entrance or intake with a fish guard or a metal or wire grating, covering or netting, so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal."

**5.** The following section is inserted in the said Act immediately after section forty-three:—

Fishing outside territorial waters when fishing inside territorial waters is prohibited not to be carried on from Canada.

" **43A.** (1) No one shall leave any port or place in Canada to fish outside the territorial waters of Canada for fish the catching of which is at such time prohibited in the territorial waters of Canada opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside the territorial waters of Canada when fishing therefor is prohibited inside the territorial waters of Canada opposite or nearest to the place where the same was caught, or shall bring into Canada any vessels, boats, nets, fishing gear, implements or appliances used in such fishing.

Treaty rights saved.

(2) Nothing in this section shall be construed as in any way limiting, restricting, revoking or annulling any right granted to the citizens of any foreign nation by any treaty or convention, and such citizens shall enjoy all such rights as if this section had not been passed."

**6.** The following sections are inserted in the said Act immediately after section sixty-two:—

Name of "dogfish" changed to "grayfish."

" **62A.** The name " dogfish ", the vernacular name for *squalis*, is hereby changed to " grayfish ", and in any regulation hereafter made under the provisions of this Act the name "grayfish " shall mean the *squalis*.

Returns of quantity of fish caught etc., etc.

" **62B.** The owner or manager of every fish curing or canning establishment or fresh fish business, and the captain or owner of every fishing vessel, and the owner of every fishing boat, fishing trap, weir or other fishing instrument in Canada, shall, at the request of the Minister or a fishery officer, furnish a true return, covering the period specified by the Minister or such fishery officer, containing the whole or any one or more of the following particulars:—

(*a*) All fish caught;
(*b*) All fish bought;
(*c*) All fish packed or canned;
(*d*) The value of the fish caught, bought, packed or canned;
(*e*) The number of fishermen employed;
(*f*) The number of shore workers employed;
(*g*) The number and value of the fishing vessels and boats employed;
(*h*) The quantity and value of fishing gear used;
(*i*) The number and value of buildings and fixtures used;
(*j*) Such other details and particulars as may be required by the Minister or such fishery officer."

"Grayfish" substituted for "dogfish."

**7.** Subsection one of section nine of the said Act is amended by substituting the word " grayfish " for the word " dogfish " in the third line thereof.

74.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 74.

An Act to amend The Fisheries Act.

First reading, June 7, 1917.

MR. HAZEN.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 75.

*(Reprinted as amended in Committee of the Whole House.)*

An Act respecting Military Service.

Preamble.

WHEREAS by section ten of the *Militia Act*, chapter forty-one of the Revised Statutes of Canada, 1906, it is enacted as follows:—

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

And whereas by section sixty-nine of the said Act it is further enacted as follows:—

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

And whereas by the said Act it is further enacted that, if at any time enough men do not volunteer to complete the quota required, the men so liable to serve shall be drafted by ballot;

And whereas to maintain and support the Canadian Expeditionary Force now engaged in active service overseas for the defence and security of Canada, the preservation of the Empire and of human liberty, it is necessary to provide reinforcements for such Expeditionary Force;

And whereas enough men do not volunteer to provide such reinforcements;

And whereas, by reason of the large number of men who have already left agricultural and industrial pursuits in Canada to join such Expeditionary Force as volunteers, and of the necessity of sustaining under such conditions the productivity of the Dominion, it is expedient to secure the men still required, not by ballot as provided in the

*Militia Act*, but by selective draft: 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.** (1) This Act may be cited as *The Military Service Act, 1917*.

Definitions.

(2) In this Act, unless the context otherwise requires:—

"Certificate" means a certificate of exemption from military service under this Act;

"The Militia Act" means the *Militia Act* and all regulations and orders made under the authority thereof;

"The Army Act" means the *Army Act* for the time being in force in the United Kingdom and all regulations and orders made under the authority thereof;

"Regulations" means regulations made by the Governor in Council under the authority of this Act and directions made under such regulations;

"Minister" means the Minister of Justice.

Persons liable for service.

**2.** (1) Every male British subject who comes within one of the classes described in section three of this Act, and who,—

(*a*) is ordinarily resident in Canada; or

(*b*) has been at any time since the fourth day of August, 1914, resident in Canada,

shall be liable to be called out as hereinafter provided on active service in the Canadian Expeditionary Force for the defence of Canada, either in or beyond Canada, unless he

(*a*) comes within the exceptions set out in the Schedule; or

(*b*) reaches the age of forty-five before the class or subclass to which he belongs, as described in section three is called out.

Such service shall be for the duration of the present war and of demobilization after the conclusion of the war.

(2) Nothing in this Act shall prevent any man from voluntarily enlisting in the Canadian Expeditionary Force, so long as voluntary enlistment in such Force is authorized.

Division into classes.

**3.** (1) The men who are liable to be called out shall consist of six classes described as follows:—

*Class 1.*—Those who have attained the age of twenty years and were born not earlier than the year 1883 and are unmarried, or are widowers but have no child.

*Class 2.*—Those who have attained the age of twenty years and were born not earlier than the year 1883 and are married, or are widowers who have a child or children.

*Class 3.*—Those who were born in the years 1876 to 1882, both inclusive, and are unmarried, or are widowers who have no child.

*Class 4.*—Those who were born in the years 1876 to 1882, both inclusive, and are married, or are widowers who have a child or children.

*Class 5.*—Those who were born in the years 1872 to 1875, both inclusive, and are unmarried, or are widowers who have no child.

*Class 6.*—Those who were born in the years 1872 to 1875, both inclusive, and are married, or are widowers who have a child or children.

(2) For the purposes of this section, any man married after the sixth day of July, 1917, shall be deemed to be unmarried.

(3) Any class, except Class 1, shall include men who are transferred thereto from another class as hereinafter provided, and men who have come within Class 1 since the previous class was called out.

(4) The order in which the classes are described in this section shall be the order in which they may be called out on active service, provided the Governor in Council may divide any class into subclasses, in which case the subclasses shall be called out in order of age beginning with the youngest.

Calling out by classes.

**4.** (1) The Governor in Council may from time to time by proclamation call out on active service as aforesaid for the defence of Canada, either in Canada or beyond Canada, any class or subclass of men described in section three and all men within the class or subclass so called out shall, from the date of such proclamation, be deemed to be soldiers enlisted in the Military Forces of Canada and subject to military law for the duration of the present war, and of demobilization thereafter, save as hereinafter provided.

(2) Men so called out shall report and shall be placed on active service in the Canadian Expeditionary Force as may be set out in such proclamation or in regulations, but until so placed on active service, shall be deemed to be on leave of absence without pay.

(3) Any man by or in respect of whom an application for exemption is made as hereinafter provided, shall, so long as such application or any appeal in connection therewith is

pending and during the currency of any exemption granted him, be deemed to be on leave of absence without pay.

(4) Any man who is called out and who, without reasonable excuse, fails to report as aforesaid shall be guilty of an offence and shall be liable on summary conviction to imprisonment for any term not exceeding five years, with hard labour.

Tribunals.

**5.** (1) There shall be established in the manner hereinafter set out, the following tribunals:—

(*a*) Local Tribunals;

(*b*) Appeal Tribunals;

(*c*) A Central Appeal Judge.

(2) Any tribunal may hear evidence on oath or otherwise as it may deem expedient, and for the performance of its duties shall have all the powers vested in a Commissioner under Part I of the *Inquiries Act*.

(3) The Governor in Council may, upon the recommendation of the Central Appeal Judge, make regulations with respect to the establishment, constitution, functions and procedure of the said tribunals and such regulations may contain provisions for securing uniformity in the application of this Act.

(4) In so far as provision is not otherwise made, the procedure of the Tribunal shall be such as is determined by the Tribunal.

(5) No member of any tribunal shall be responsible at law for anything done by him in good faith in the performance of his duties under this Act, and no action shall be taken against any member of a local tribunal or an appeal tribunal in respect of the performance or non-performance of his duties under this Act, except with the written consent of the Central Appeal Judge.

(6) No proceeding authorized or pending before any tribunal, and no decision of any tribunal, shall by means of an injunction, prohibition, mandamus, certiorari, habeas corpus, or other process, whether of the like kind or otherwise issuing out of any court, be enjoined, restrained, stayed, removed or subjected to review or consideration, upon any ground whether arising out of alleged absence of jurisdiction in the tribunal, nullity, defect or irregularity of the proceedings or any other cause whatsoever nor shall any such proceeding or decision be questioned, reviewed or considered collaterally in any action or proceeding civil or criminal.

LOCAL TRIBUNALS.

**6.** (1) The Minister may from time to time by proclamation or otherwise establish local tribunals at such places as he deems necessary and give each an appropriate designation. Local tribunals.

(2) The Minister may, after a local tribunal is established, order, by proclamation or otherwise, the removal of such local tribunal from place to place within the same province.

(3) Each local tribunal shall consist of two members. One member shall be appointed by a Board of Selection to be established by joint resolution of the Senate and House of Commons; the other member shall be appointed by the following authority:— Membership of local tribunals.

I. In those provinces in which there are county courts or district courts, the county court judge or district court judge or, if more than one, the senior judge for the county or district in which the local tribunal is established, or when the place at which a local tribunal is to be established is not within the territorial limits of any county court or district court, then by such judge as may be determined by the Minister. Generally

The judge making the appointment may appoint himself or any other judge having jurisdiction in the county or district.

For the purposes of this section, "county court judge" or "district court judge" includes any deputy judge authorized by law to act for the time being for any such judge, and also includes any acting judge so authorized.

II. In the province of Quebec:—

(*a*) In the judicial districts of Montreal and Quebec, any judge of the Superior Court of the province of Quebec who is authorized by the Chief Justice of the said Court or authorized by the judge appointed to perform the duties of Chief Justice in the judicial district. Quebec

(*b*) In the other judicial districts the judge of the Superior Court of the province of Quebec assigned to the judicial district within which the local tribunal is established.

III. In the Yukon Territory:—

The judge of the Territorial Court or the person appointed under the provisions of the *Yukon Act* to act in place of such judge; and Yukon.

IV. In the Northwest Territories:—

The Commissioner of the Royal Northwest Mounted Police Northwest.

(4) (*a*) The names and addresses of all persons appointed on a local tribunal shall, as may be provided by regulations be communicated to the Minister. Appointments by Minister if local tribunals not formed, and filling of vacancies.

(*b*) The Minister may by telegraph or otherwise appoint one or both members, as the case may be, of any local

tribunal, if he has not received, within such period before the tribunal is to sit as may be fixed by regulation, the names and addresses of members duly appointed.

(*c*) A vacancy occurring shall be filled by the authority who appointed the member vacating, and if not so filled or if communication of same as aforesaid has not been received by the Minister within such period as may be fixed by regulation, the Minister may fill such vacancy.

Penalty for not acting.

(5) Any person duly appointed a member of a local tribunal shall, unless relieved in writing by the authority appointing him, perform his duties as such member, and any person who without reasonable excuse fails so to do shall be guilty of an offence and liable on summary conviction to imprisonment for any term not exceeding two years and not less than three months.

Local tribunal to decide on exemptions.

(6) Each local tribunal shall hear and decide applications for certificates of exemption made to such tribunal as provided in section eleven.

APPEAL TRIBUNALS.

Appeal tribunal established.

**7.** The Chief Justice of the court of last resort in each province, or in case of his absence, or failure to act, then, a judge of that court designated by the Minister, shall establish for such province a sufficient number of Appeal Tribunals, and shall assign to each such tribunal in the province of Quebec one judge of the Court of King's Bench or Superior Court of said province, and in the other provinces one judge of any court of such province, and shall distribute among such tribunals all appeals from, and cases stated under subsection two of section ten by local tribunals of which the Registrar has notice and such Appeal Tribunals shall severally hear and decide the same: Provided that appeals from a local tribunal on which sits one or more judges shall be heard and decided by an appeal tribunal constituted of a judge of a higher court.

FINAL TRIBUNAL.

Central Appeal Judge.

**8.** The Governor in Council may appoint one of the judges of the Supreme Court of Canada to be the Central Appeal Judge.

REGISTRARS.

Registrar for each province.

**9.** A Registrar for each Province may be appointed by the Governor in Council.

APPEALS.

Appeals.

**10.** (1) Any person aggrieved by the decision of a local tribunal, and any person authorized by the Minister of Militia and Defence, may appeal against any such decision.

Submitting case for decision.

(2) If the two members of a local tribunal cannot agree as to any decision to be made by them, they shall forthwith state in writing the case to be decided and cause the statement to be sent to the Registrar for the province in which the tribunal is established.

Appeal to Central Appeal Judge.

(3) (*a*) Subject to the provisions of paragraph (*b*) of this subsection there shall be an appeal from any appeal tribunal to the Central Appeal Judge.

Regulations for such appeals.

(*b*) The Governor in Council, on the recommendation of the Central Appeal Judge may make regulations governing the right to and fixing the conditions of appeal from an appeal tribunal to the Central Appeal Judge.

Appointment of assistant judges.

(4) The Central Appeal Judge shall be the tribunal of last resort, and the Governor in Council may, on his recommendation, appoint one or more other judges of any superior court to assist the said Central Appeal Judge in the discharge of his duties, and define their powers.

EXEMPTIONS.

Application for, and grounds of exemption

**11.** (1) At any time before a date to be fixed in the proclamation mentioned in section four, an application may be made, by or in respect of any man in the class or subclass called out by such proclamation to a local tribunal established in the province in which such man ordinarily resides, for a certificate of exemption on any of the following grounds:—

(*a*) That it is expedient in the national interest that the man should, instead of being employed in military service, be engaged in other work in which he is habitually engaged;

(*b*) That it is expedient in the national interest that the man should, instead of being employed in military service, be engaged in other work in which he wishes to be engaged and for which he has special qualifications;

(*c*) That it is expedient in the national interest that, instead of being employed in military service, he should continue to be educated or trained for any work for which he is then being educated or trained;

(*d*) That serious hardship would ensue, if the man were placed on active service, owing to his exceptional financial or business obligations or domestic position;

(*e*) Ill health or infirmity;

(*f*) That he conscientiously objects to the undertaking of combatant service and is prohibited from so doing by the tenets and articles of faith, in effect on the sixth day of July, 1917, of any organized religious denomination existing and well recognized in Canada at such date, and to which he in good faith belongs;

and if any of the grounds of such application be established, a certificate of exemption shall be granted to such man.

(2) (*a*) A certificate may be conditional as to time or otherwise and if granted solely on conscientious grounds shall state that such exemption is from combatant service only.

Conditional certificates.

(*b*) A certificate granted on the ground of the continuance of education or training or on the ground of exceptional financial or business obligations or domestic position, shall be a conditional certificate only.

(*c*) No certificate shall be conditional upon a person to whom it is granted continuing in or entering into employment under any specified employer or in any specified place or establishment.

(*d*) A certificate may transfer a man to the class next in numerical order.

(*e*) When a conditional certificate is granted the conditions shall be stated on the certificate.

(*f*) It shall be the duty of any man holding a conditional certificate within three days after the conditions stated therein cease to exist or after his exemption terminates, to give notice in writing of such fact to the Registrar of the province in which he ordinarily resides; and if he fails without reasonable excuse to do so, he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding two hundred and fifty dollars.

(3) (*a*) Subject to such conditions as to application and notice as may be provided by regulations, and subject also to paragraph (*b*) of this sub-section, a certificate may, during the currency thereof, be renewed, varied or withdrawn at any time by the local tribunal issuing the same.

Renewal, variation or withdrawal of certificates.

(*b*) Where a decision of a local or appeal tribunal has been varied on appeal to an appeal tribunal or to the Central Appeal Judge, a certificate granted upon such variation shall thereafter, subject to such conditions as to application and notice as may be provided by regulations, be renewed, varied or withdrawn, but only during the currency thereof and only by the appeal tribunal or judge who granted the certificate.

Penalty for false representation.

(4) Any person who, for the purpose of obtaining a certificate or a condition in a certificate for himself or for any other person, or for the purpose of obtaining the

renewal, variation or withdrawal of a certificate, makes any false statement or representation, shall be guilty of an offence and liable on summary conviction to imprisonment for any term not exceeding twelve months with or without hard labour.

Penalty for applying to more than one local tribunal for certificate.

(5) (*a*) Any man who, having applied to any local tribunal for the issue to him of a certificate, applies without the leave of the Minister to any other local tribunal for a certificate, and any person who, knowing or having reason to believe that an application for a certificate has been made or is being made by or in respect of a man to a local tribunal, makes or aids or abets in the making or establishing of an application without such leave by or in respect of such man to another local tribunal, shall be guilty of an offence and shall be liable on summary conviction to a penalty of not less than one hundred dollars and not more than one thousand dollars.

(*b*) All applications and all proceedings taken on applications for certificates made without the leave of the Minister by or in respect of a man before a local tribunal other than the local tribunal before which the first application by or in respect of such man was made, shall be null and void.

(*c*) Notwithstanding anything in this section contained, the Governor in Council may by regulations abolish any local tribunal, and transfer its duties and powers to any other local tribunal.

Altering or tampering with certificates, or false representation.

(6) Any person who alters or tampers with a certificate or, for the purpose of evading this Act, falsely represents himself to be a person to whom a certificate has been granted, or, if granted a certificate, allows, for like purpose, any other person to have possession thereof, shall be guilty of an offence and liable on summary conviction to imprisonment for any term not exceeding six months.

Lost or defaced certificates.

(7) When a certificate is lost, destroyed or defaced, the tribunal by whom it was granted shall, upon the application of the man to whom it was granted and upon payment of a fee of fifty cents, issue to him a duplicate of such certificate.

REGULATIONS.

Regulations.

**12.** (1) The Governor in Council may make regulations to secure the full, effective and expeditious operation and enforcement of this Act and in particular, but not to limit the generality of the foregoing, may

(*a*) define the duties of Registrars and fix their remuneration;

(*b*) authorize officers and tribunals to give directions not inconsistent with this Act;

(*c*) on the recommendation of the Central Appeal Judge prescribe the conditions as to time or otherwise under which applications for certificates may be made, deferred applications received, appeals entered and heard and re-hearings had, and prescribe forms;

(*d*) prescribe for the keeping and transmission of records;

(*e*) appoint such peace officers or other officers and give them such powers and impose on them such duties as may be deemed necessary;

(*f*) make provision for expenses and the remuneration of officers;

(*g*) prescribe penalties for peace officers or other officers appointed under the authority of this Act, who are convicted of neglect or refusal to perform duty without reasonable excuse.

Publication.

(2) All proclamations and regulations shall be published forthwith in the *Canada Gazette* and in such other manner, if any, as the Governor in Council may think necessary to ensure knowledge thereof by all persons concerned, and shall forthwith be laid before Parliament if then in session, and if not in session within ten days after the next meeting thereof.

Construction.

(3) All regulations shall have the same force and effect as if they formed part of this Act.

GENERAL PROVISIONS.

Application of Militia and Army Acts.

**13.** (1) The *Militia Act*, the *Army Act* and the King's Regulations and Orders for the Army shall so far as applicable and not inconsistent therewith apply to and form part of this Act.

Exceptions.

(2) Section twelve and subsection two of section forty and the proviso to section forty-five of the *Militia Act* shall not apply to men liable to be called out under this Act.

Transfer to Naval Service.

(3) The Minister of Militia and Defence may transfer to the Naval Service any man who has reported for duty under the provisions of this Act.

Limit of 100,000 men.

(4) Unless further authorized by Parliament the reinforcements provided under this Act shall not exceed one hundred thousand men.

Punishment provided by other Acts not affected.

(5) Nothing in this Act contained shall be held to limit or affect the punishment provided by any other Act or law for the offence of assisting the enemy nor the powers of the Governor in Council under *The War Measures Act, 1914*.

Burden of proof.

**14.** If in any prosecution under this Act any question shall arise in respect of the matters hereinafter mentioned the burden of proof shall be upon the person charged to establish by satisfactory evidence,

(*a*) that he does not come within any specified class called out;

(*b*) that he has duly reported in accordance with section four;

(*c*) that he comes within any of the exceptions set out in the Schedule hereto;

(*d*) that he has been duly exempted under section eleven:

And in the absence of such evidence the contrary shall be conclusively presumed.

Production of certificate, and penalty for failing to comply.

**15.** (1) Every man within the classes described in section three shall, after his class or subclass is required to report, as provided in section four, whenever required by a peace officer or by any person who has authority for the purpose, produce his certificate if he has one, and shall answer truthfully all inquiries bearing on the question of his compliance or non-compliance with any provision of this Act.

(2) Any such man who fails to comply with this section shall in respect of each failure be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding one year.

Contraventions of Act.

**16.** (1) Any person who comes within any of the classes set out in section three, and who contravenes any of the provisions of this Act or of regulations for which contravention no other penalty is herein provided, shall be guilty of an offence and shall be liable upon summary conviction to a penalty of not less than ten dollars nor more than five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment.

Written or oral advice, etc., to contravene.

(2) Any person who by means of any written or printed communication, publication or article, or by any oral communication or by any public speech or utterance,

(*a*) advises or urges that men described in section three shall contravene this Act or regulations, or

(*b*) wilfully resists or impedes, or attempts wilfully to resist or impede, or persuades or induces or attempts to persuade or induce any person or class of persons to resist or impede the operation or enforcement of this Act, or

(*c*) for the purpose of resisting or impeding the enforcement or operation of this Act, persuades or induces or attempts to persuade or induce any person or class

of persons to refrain from making applications for Certificates of Exemption or submitting evidence in respect thereof,

Penalty.

shall be guilty of an offence and shall be liable upon indictment or upon summary conviction to imprisonment for a term not less than one year nor more than five years.

Suppression of publications for contravention.

(3) Any newspaper, book, periodical, pamphlet or printed publication containing matter prohibited by subsection two of this section may, whether the printer or publisher thereof be previously convicted or not, be summarily suppressed and further printing or publication thereof and of any future issue of a newspaper or periodical which has contained such matter may be prohibited for any term not exceeding the duration of the present war; provided no action shall be taken under this subsection or under subsection two of this section without the approval of the Central Appeal Judge.

Proviso.

Expenses.

**17.** All expenditure under or for the purposes of this Act shall be paid out of such moneys as Parliament may appropriate for the purpose.

## SCHEDULE.

### EXCEPTIONS.

1. Men who hold a certificate granted under this Act and in force, other than a certificate of exemption from combatant service only.
2. Members of His Majesty's regular, or reserve, or auxiliary forces, as defined by the *Army Act*.
3. Members of the military forces raised by the Governments of any of His Majesty's other dominions or by the Government of India.
4. Men serving in the Royal Navy or in the Royal Marines, or in the Naval Service of Canada, and members of the Canadian Expeditionary Force.
5. Men who have since August 4th, 1914, served in the Military or Naval Forces of Great Britain or her allies in any theatre of actual war and have been honourably discharged therefrom.
6. Clergy, including divinity students and members of any recognized order of an exclusively religious character, and ministers of all religious denominations existing in Canada at the date of the passing of this Act.
7. Those persons exempted from Military Service by Order in Council of August 13th, 1873, and by Order in Council of December 6th, 1898.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 75.

An Act respecting Military Service.

(*Reprinted as amended in Committee of the Whole House.*)

SIR ROBERT BORDEN.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 82.

An Act to provide for the time in Canada being in advance of the solar mean time during the summer months.

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 Summer Time Act, 1917.*

Time advanced one hour.

**2.** During the prescribed period in each year in which this Act is in force, the time, for general purposes in Canada, shall be one hour in advance of the solar mean time.

Annual enforcement.

**3.** This Act shall be in force in each year during such time as may be prescribed by the Governor in Council.

Interpretation of expression of time.

**4.** Wherever any expression of time occurs in any statute, order in council, order, regulation, rule or by-law or in any deed, time-table, notice, advertisement or other document, the fixing of the time with respect to which is within the legislative jurisdiction of the Parliament of Canada, the time mentioned or referred to shall be held, during the prescribed period, to be the time as fixed by this Act.

Adjustment to meet special conditions.

Provided, that where, in consequence of this Act, it is expedient that any time fixed by any by-law, regulation or other instrument should be adjusted, and such adjustment cannot be effected except after the lapse of a certain interval or on compliance with certain conditions, the Governor in Council may, on the application of the body or person by whom the by-law, regulation or other instrument was made or is administered, make such adjustment from the time so fixed as in the circumstances may seem to the Governor in Council proper.

Power of Railway Board to advance standard time one hour.

**5.** The Board of Railway Commissioners for Canada shall have power to advance by one hour the standard time used by railway companies in Canada for such period as may be prescribed by the said Board, and to make such other orders as may be necessary for the convenient carrying out of the provisions of this Act in so far as railway companies may be affected thereby.



7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 82.

An Act to provide for the time in Canada being in advance of the solar mean time during the summer months.

First reading, June 15, 1917.

SIR GEORGE FOSTER.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917

7th Session, 12th Parliament, 7-8 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 83.

An Act relating to The Honorary Advisory Council for Scientific and Industrial Research.

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 Research Council Act.*

Advisory Council.

**2.** There shall be a Council to be called "The Honorary Advisory Council for Scientific and Industrial Research", hereinafter called "the Council."

Appointment of Council.

**3.** The Council shall consist of not more than eleven members, who shall be appointed by the Governor in Council on the recommendation of the Sub-Committee of the Privy Council on Industrial and Scientific Research, hereinafter called "the Sub-Committee".

Administrative Chairman.

**4.** One of the members of the Council shall be a permanent officer thereof, to be called the Administrative Chairman, who shall be appointed by the Governor in Council on the recommendation of the Sub-Committee, and shall receive such salary as the Governor in Council may prescribe, and such salary shall be paid out of the money annually appropriated by Parliament for the work of the Council.

Duties of Council.

**5.** The Council shall have charge of all matters affecting scientific and industrial research in Canada which may be assigned to it by the Sub-Committee, and shall also have the duty of advising the Sub-Committee on questions of scientific and technological methods affecting the expansion of Canadian industries or the utilization of the natural resources of Canada.

Meeting of Council.

**6.** The Council shall meet at least four times a year in the city of Ottawa on such days as may be fixed by the

Council, and may also meet at such other times and places as the Council may deem necessary for its work.

By-laws.

**7.** The Council may make by-laws for the conduct of its business, but no by-law shall be in force until it has been approved by the Sub-Committee.

Remuneration.

**8.** No member of the Council, with the exception of the Administrative Chairman, shall receive any payment or emolument for his services, but each member shall receive such payments for travelling and other expenses in connection with the work of the Council as may be approved by the Governor in Council.

Expenditure for research.

**9.** From the money annually appropriated by Parliament for the work of the Council, or which the Council may receive through bequest, donation, or otherwise, the Administrative Chairman shall, under the direction of the Council and subject to the approval of the Sub-Committee, expend all such sums as the Council deems necessary for carrying on its work.

Statement of expenditure and receipts and audit thereof.

**10.** All the receipts and expenditure of the Council shall be subject to examination and audit by the Auditor General, and the Administrative Chairman shall submit a statement of such receipts and expenditure to the Sub-Committee at such times and containing such details as the Sub-Committee may prescribe. A detailed statement of all the receipts and expenditure of the Council during each fiscal year shall be laid before both Houses of Parliament.

Reports.

**11.** A report of the work done by the Council, containing such information and details as the Sub-Committee may require, shall be made by the Administrative Chairman to the Chairman of the Sub-Committee after the close of each fiscal year, and the said report shall be printed and laid before both Houses of Parliament. Such further reports and statements shall also be made to the Chairman of the Sub-Committee by the Administrative Chairman as the said Chairman or the Sub-Committee may require.

**83.**

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 83.

An Act relating to The Honorary Advisory Council for Scientific and Industrial Research.

First reading, June 15, 1917.

SIR GEORGE FOSTER.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 91.

An Act to amend The Saint John and Quebec Railway Act, 1916.

WHEREAS under the provisions of the agreement between His Majesty on behalf of the Dominion of Canada, His Majesty on behalf of the province of New Brunswick, and the Saint John and Quebec Railway Company, authorized by section three of *The Saint John and Quebec Railway Act, 1916*, chapter twenty-three of the statutes of 1916, it is provided that the said Company shall complete the construction and equipment of a line of railway from Gagetown, or from a point near Gagetown, to a point on the Canadian Pacific Railway at or near Westfield in the county of Kings in the province of New Brunswick, in accordance with the terms of the said agreement, on or before the first day of August, 1917; and whereas under the provisions of section six of the said Act, an agreement has been entered into by the Minister of Railways and Canals and the said Company for the payment by His Majesty on behalf of the Dominion of Canada of a subsidy to the said Company in respect of the construction of the said railway, and it is provided in the said agreement that the Company shall complete the construction of the said line of railway on or before the said first day of August, 1917; and whereas it is expedient to extend the time for the completion of the said railway to the thirty-first day of December, 1918: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1911, c. 11; 1912, c. 49; 1913, c. 46; 1914, c. 52; 1916, c. 23.

**1.** The time within which the said Saint John and Quebec Railway Company is to complete the construction and equipment of the said line of railway from a point at or near Gagetown to a point on the Canadian Pacific Railway at or near Westfield, may be extended by the Minister of Railways and Canals of Canada from the said first Time for completion of Gagetown to Westfield line extended.

day of August, 1917, to the thirty-first day of December, 1918, both with respect to the agreement entered into under the authority of section three of *The Saint John and Quebec Railway Act, 1916*, and also with respect to the subsidy agreement made under the authority of section six of the said Act: Provided that the said extension shall only be granted with respect to the first named agreement after the consent of His Majesty on behalf of the province of New Brunswick has been obtained.

91.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 91.

An Act to amend The Saint John and Quebec Railway Act, 1916.

First reading, June 19, 1917.

MR. COCHRANE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 92.

An Act respecting a certain Convention between His Majesty and the United States of America for the protection of Migratory Birds in Canada and the United States.

WHEREAS on the sixteenth day of August, one thousand nine hundred and sixteen, a Convention was signed at Washington respecting the protection of certain migratory birds in Canada and the United States, and ratifications were exchanged at Washington on the seventh day of December, one thousand nine hundred and sixteen; and whereas it is expedient that the said Convention should receive the sanction of the Parliament of Canada and that legislation be passed for insuring the execution of the said Convention: 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 Migratory Birds Convention Act.*

Confirmation of convention.

**2.** The said Convention of the sixteenth day of August, one thousand nine hundred and sixteen, which is set forth in the Schedule to this Act, is hereby sanctioned, ratified and confirmed.

Definitions.

**3.** In this Act and in any regulation made thereunder, unless the context otherwise requires:—

(*a*) " close season " means the period during which any species of migratory game, migratory insectivorous, or migratory nongame bird is protected by this Act or any regulation made under this Act;

(*b*) " migratory game birds " means:—

Anatidæ or waterfowl, including brant, wild ducks, geese and swans;

Gruidæ or cranes, including little brown, sandhill and whooping cranes;

Rallidæ or rails, including coots, gallinules and sora and other rails;

Limicolæ or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs;

Columbidæ or pigeons, including doves and wild pigeons;

(*c*) " migratory insectivorous birds " means:—

Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects;

(*d*) " migratory nongame birds " means:—

Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns;

(*e*) " Minister " means the Minister of the Interior;

(*f*) " regulation " means any regulation made under the provisions of section four of this Act.

Regulations.

**4.** (1) The Governor in Council may make such regulations as are deemed expedient to protect the migratory game, migratory insectivorous and migratory nongame birds which inhabit Canada during the whole or any part of the year.

Provisions of regulations.

(2) Subject to the provisions of the said Convention, such regulations may provide,—

(*a*) the periods in each year or the number of years during which any such migratory game, migratory insectivorous or migratory nongame birds shall not be killed, captured, injured, taken, molested or sold, or their nests or eggs injured, destroyed, taken or molested;

(*b*) for the granting of permits to kill or take migratory game, migratory insectivorous and migratory nongame birds, or their nests or eggs;

(*c*) for the prohibition of the shipment or export of migratory game, migratory insectivorous or migratory nongame birds or their eggs from any province during the close season in such province, and the conditions upon which international traffic in such birds shall be carried on;

(*d*) for the prohibition of the killing, capturing, taking, injuring or molesting of migratory game, migratory insectivorous or migratory nongame birds, or the taking, injuring, destruction or molestation of their nests or eggs, within any prescribed area;

(*e*) for any other purpose which may be deemed expedient for carrying out the intentions of this Act and the said Convention, whether such other regulations are of the kind enumerated in this section or not.

Publication.

(3) A regulation shall take effect from the date of the publication thereof in the *Canada Gazette*, or from the date specified for such purpose in any regulation, and such regulation shall have the same force and effect as if enacted herein, and shall be printed in the prefix in the next succeeding issue of the Dominion Statutes, and shall also be laid before both Houses of Parliament within fifteen days after the publication thereof if Parliament is then sitting, and if Parliament is not then sitting, within fifteen days after the opening of the next session thereof.

Printed in prefix to annual statutes and laid before Parliament.

Appointment and powers of game officers.

**5.** (1) The Minister may appoint game officers for carrying out this Act and the regulations, and may authorize such game officers to exercise the powers of Justice of the Peace or the powers of a Police Constable. Such persons shall hold office during pleasure, and shall have, for the purposes of this Act and the said Convention, such other powers and duties as may be defined by this Act and the regulations.

*Ex officio* justice of peace, or police constable.

(2) Every game officer who is authorized by the Minister to exercise the powers of a Justice of the Peace or of a Police Constable shall, for all the purposes of this Act and the regulations, be *ex officio* a Justice of the Peace or a Police Constable, as the case may be, within the district within which he is authorized to act.

Oath.

(3) Every such game officer shall take and subscribe an oath in the form following, that is to say:—

I, A.B., a of

do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duties of such according to the true intent and meaning of *The Migratory Birds Convention Act* and the regulations made thereunder.

So help me God.

No one to buy, sell or possess bird, nest or egg during prohibited time.

**6.** No one without lawful excuse, the proof whereof shall lie on him, shall buy, sell or have in his possession, any bird, nest or egg or portion thereof during the time when the capturing, killing or taking of such bird, nest or egg, is prohibited by law.

Seizure and confiscation of guns, boats, teams, appliances,

**7.** All guns, ammunition, boats, skiffs, canoes, punts and vessels of every description, teams, wagons and other outfits, decoys and appliances of every kind, used in violation of or for the purpose of violating this Act or any regulation,

etc., used in violation of Act.

and any bird, nest or egg taken, caught, killed or had in possession, in violation of this Act or any regulation, may be seized and confiscated upon view by any game officer appointed under this Act, or taken and removed by any person for delivery to any game officer or justice of the peace.

Penalty for violation of Act by game officer.

**8.** Any game officer appointed under this Act who violates this Act or any regulation, or who aids, abets or connives at any violation of this Act or of any regulation, shall be liable, upon summary conviction before any recorder, commissioner of police, judge of the sessions of the peace, police stipendiary or district magistrate or any two justices of the peace, to a penalty not exceeding five hundred dollars and costs or six months' imprisonment and not less than one hundred dollars and costs or three months' imprisonment.

Assaulting, obstructing, or interfering with game officer.

**9.** Any person who assaults, obstructs or interferes with any game officer or peace officer in the discharge of any duty under the provisions of this Act, or of any regulation, shall be guilty of a violation of this Act.

Wilful refusal of information, or giving false information.

**10.** Any person who wilfully refuses to furnish information or wilfully furnishes false information to a game officer or peace officer respecting a violation of this Act or of any regulation, the existence of or the place of concealment of any bird, nest or egg, or any portion thereof captured, killed or taken in violation of this Act or of any regulation, shall be guilty of a violation of this Act.

Entry and search upon suspected premises.

**11.** Any game officer or peace officer may enter any place or premises in which he has reason to believe there exists migratory game, or migratory insectivorous, or migratory nongame birds, nests or eggs, or any parts thereof, in respect of which a breach of this Act or of the regulations may have been committed, and may open and examine any trunk, box, bag, parcel or receptacle which he has reason to suspect and does suspect contains any such bird, nest or egg, or any part thereof.

Penalty for violation of Act.

**12.** Every person who violates any provision of this Act or any regulation shall, for each offence, be liable upon summary conviction to a fine of not more than one hundred dollars and not less than ten dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

# SCHEDULE.

## CONVENTION.

Whereas many species of birds in the course of their annual migrations traverse certain parts of the Dominion of Canada and the United States; and

Whereas many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both Canada and the United States, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, Emperor of India, and the United States of America, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects, and to the end of concluding a convention for this purpose have appointed as their respective plenipotentiaries:

His Britannic Majesty, the Right Honourable Sir Cecil Arthur Spring Rice, G.C.V.O., K.C.M.G., etc., His Majesty's ambassador extraordinary and plenipotentiary at Washington; and

The President of the United States of America, Robert Lansing, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed to and adopted the following articles:—

### Article I.

The High Contracting Powers declare that the migratory birds included in the terms of this Convention shall be as follows:—

1. Migratory Game Birds:—

(*a*) Anatidæ or waterfowl, including brant, wild ducks, geese, and swans.

(*b*) Gruidæ or cranes, including little brown, sandhill, and whooping cranes.

(*c*) Rallidæ or rails, including coots, gallinules and sora and other rails.

(*d*) Limicolæ or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(*e*) Columbidæ or pigeons, including doves and wild pigeons.

2. Migratory Insectivorous Birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other Migratory Nongame Birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

## Article II.

The High Contracting Powers agree that, as an effective means of preserving migratory birds there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

1. The close season on migratory game birds shall be between 10th March and 1st September, except that the close of the season on the limicolæ or shorebirds in the Maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between 1st February and 15th August, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the High Contracting Powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murres and puffins, and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

ARTICLE III.

The High Contracting Powers agree that during the period of ten years next following the going into effect of this Convention, there shall be a continuous close season on the following migratory game birds, to-wit:

Band-tailed pigeons, little brown, sandhill and whooping cranes, swans, curlew and all shorebirds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs); provided that during such ten years the close seasons on cranes, swans and curlew in the province of British Columbia shall be made by the proper authorities of that province within the general dates and limitations elsewhere prescribed in this Convention for the respective groups to which these birds belong.

ARTICLE IV.

The High Contracting Powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

ARTICLE V.

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the High Contracting Powers may severally deem appropriate.

ARTICLE VI.

The High Contracting Powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

ARTICLE VII.

Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the High Contracting Powers under suitable regulations prescribed therefor by them respectively, but such permits shall lapse or may be cancelled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

ARTICLE VIII.

The High Contracting Powers agree themselves to take, or propose to their respective appropriate law-making bodies, the necessary measures for insuring the execution of the present Convention.

ARTICLE IX.

The present Convention shall be ratified by His Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof. The ratifications shall be exchanged at Washington as soon as possible and the Convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for fifteen years, and in the event of neither of the High Contracting Powers having given notification, twelve months before the expiration of said period of fifteen years, of its intention of terminating its operation, the Convention shall continue to remain in force for one year and so on from year to year.

In faith whereof, the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done at Washington this sixteenth day of August, 1916.

(L.S.) CECIL SPRING-RICE.
(L.S.) ROBERT LANSING.

92.

7th Session, 12th Parliament 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 92.

An Act respecting a certain Convention between His Majesty and the United States of America for the protection of Migratory Birds in Canada and the United States.

First reading, June 21, 1917.

MR. ROCHE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 97.

An Act to amend the Criminal Code (respecting jurors).

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1907, cc. 7, 8, 9, 45; 1908, cc. 10, 18; 1909, c. 9; 1910, cc. 10, 11, 12, 13; 1912, cc. 18, 19; 1913, c. 13; 1914, c. 24; 1915, c. 12.

**1.** Section nine hundred and thirty-three of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes of Canada, 1906, is amended by adding the following proviso at the end of subsection one thereof:—

"Provided that the Crown may not direct any number of jurors to stand by in excess of forty-eight, unless the judge presiding at the trial, upon special cause shown, so orders." Limiting number of jurors Crown may direct to stand by.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 97.

An Act to amend the Criminal Code (respecting jurors).

First reading, June 22, 1917.

MR. DOHERTY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 98.

An Act to amend the Supreme Court Act and the Exchequer Court Act.

R.S., cc. 139, 140; 1907, c. 15; 1908, cc. 27, 70; 1909, c. 12; 1910, c. 19; 1912, c. 21; 1913, cc. 17, 51; 1914, c. 15; 1916, c. 16.

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

**1.** The *Supreme Court Act* and the *Exchequer Court Act*, chapters one hundred and thirty-nine and one hundred and forty of the Revised Statutes of Canada, 1906, are amended by adding to each of the said Acts, the following section:—

Crown entitled to costs notwithstanding solicitor, etc., is salaried officer.

"A. In any proceeding to which His Majesty is a party, either as represented by the Attorney General of Canada or otherwise, costs adjudged to His Majesty shall not be disallowed or reduced upon taxation merely because the solicitor or the counsel who earned such costs, or in respect of whose services the costs are charged, was a salaried officer of the Crown performing such services in the discharge of his duty and remunerated therefor by his salary, or for that or any other reason not entitled to recover any costs from the Crown in respect of the services so rendered: Provided that the costs recovered by or on behalf of His Majesty in any such case shall be paid into the Consolidated Revenue Fund."

Costs to be paid into Consolidated Revenue Fund.

**2.** Paragraph (*c*) of section twenty of the said *Exchequer Court Act* is repealed and the following is substituted therefor:—

Exclusive original jurisdiction.

"(*c*) Every claim against the Crown arising out of any death or injury to the person or to property resulting from the negligence of any officer or servant of the Crown during the course of his employment on any public work and while acting within the scope of his duties or employment."

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 98.

An Act to amend the Supreme Court Act and the Exchequer Court Act.

First reading, June 22, 1917.

MR. DOHERTY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 99.

An Act to amend the Interest 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. 120; 1912, c. 24.

**1.** The *Interest Act*, chapter one hundred and twenty of the Revised Statutes of Canada, 1906, is amended by repealing section twelve thereof and the heading immediately preceding section twelve, and substituting therefor the following:— Manitoba added to the provinces where the rate of interest on judgments is fixed by statute.

"MANITOBA, BRITISH COLUMBIA, SASKATCHEWAN, ALBERTA AND THE TERRITORIES.

"**12.** The three sections next following apply to the provinces of Manitoba, British Columbia, Saskatchewan and Alberta and to the Northwest Territories and the Yukon Territory only."

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 99.

An Act to amend the Interest Act.

First reading, June 22, 1917.

MR. DOHERTY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA

# BILL 100.

An Act respecting Game in the Northwest Territories of Canada.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R.S. c. 151.

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

**2.** In this Act and in the regulations, unless the context otherwise requires,— Definitions.

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

(*b*) " Game Officer " means a game officer appointed as such under or by the provisions of this Act or the regulations;

(*c*) " Game Warden " means a game warden appointed as such under the provisions of this Act or the regulations;

(*d*) " Game " means and includes all wild mammals and wild birds protected by this Act or by any regulation, and the heads, skins, and every part of such mammals and birds;

(*e*) " Close season " with respect to any kind of game means the period during which the hunting, killing, destroying, injuring, trapping, taking, capturing, selling, trading in or molesting of such kind of game is prohibited or restricted by this Act or by any regulation;

(*f*) " Open season " with respect to any kind of game means the period during which such kind of game may be hunted, killed, destroyed, trapped, taken, captured, sold, traded in or possessed;

(*g*) " Regulation " means any regulation made by the Governor General in Council under the authority of this Act;

(*h*) " Northwest Territories " means the Northwest Territories formerly known as Rupert's Land and the

Northwestern Territory (except such portions thereof as are included in the provinces of Ontario, Quebec, Manitoba, Saskatchewan and Alberta and the Yukon Territory), together with all British territories and possessions in North America and all islands adjacent thereto not included within any province except the colony of Newfoundland and its dependencies.

Application of Act.

**3.** This Act shall apply to the Northwest Territories.

Regulations.

**4.** (1) The Governor General in Council may make regulations,—

(*a*) prohibiting, controlling or restricting the hunting, killing, destroying, injuring, trapping, taking, capturing or molesting of game;

(*b*) prohibiting or regulating the possession of game;

(*c*) establishing close seasons for game;

(*d*) protecting the nests and eggs of wild birds;

(*e*) regulating or prohibiting the use of poison, ammunition, explosives, traps, snares, spring-guns, fire-arms and other implements, appliances and contrivances for hunting, killing, taking, trapping, destroying or capturing game;

(*f*) permitting the hunting, killing, taking, capturing or trapping of specimens of game for scientific or propagation purposes;

(*g*) for licensing, controlling and restricting, trapping, hunting, selling, dealing or trafficking in game or in the eggs of wild birds or any parts of the same;

(*h*) authorizing the appointment by the Minister of game officers and game wardens, and prescribing their duties and powers;

(*i*) governing the issue of licenses and permits, prescribing the terms and conditions thereof, the period for which the same shall be in force and the fees payable in respect thereof;

(*j*) exempting Indians, Eskimos or others from any of the provisions of this Act;

(*k*) for any other purpose which may be deemed expedient for carrying out the provisions and intention of this Act, whether such regulations are of the kind enumerated or not.

Application of regulations.

(2) Any regulation made under the provisions of this section may be made to apply to the whole or any part of the Northwest Territories.

Contracts with Indians and others.

**5.** No one shall enter into any contract or agreement with or employ any Indian, Eskimo, or other person, whether such Indian, Eskimo, or other person is an inhabi-

tant of the country to which this Act applies or not, to hunt, kill or take game contrary to the provisions of this Act or a regulation; or to take, contrary to the provisions of this Act or a regulation, any egg, nest or part thereof.

Ex-officio game officers.

**6.** All members of the Royal Northwest Mounted Police and the sub-collector of Customs at Herschel Island shall be ex-officio game officers.

Game officers to be justices of the peace.

**7.** Every game officer shall, for the purposes of this Act and the regulations, be ex-officio a justice of the peace for the Northwest Territories.

Game officers may appoint constables.

**8.** (1) Any game officer, when he considers it necessary so to do, may appoint a constable or constables to apprehend any person who has done or who he has reason to believe has done anything in contravention of any of the provisions of this Act or the regulations.

Duty of constables.

(2) Such constable shall, upon apprehending such person, arrest him and bring him for trial before the nearest justice of the peace or game officer, together with any game, eggs or nests, or parts thereof protected by this Act or a regulation, found in the possession of such person at the time of his apprehension.

Possession of game.

**9.** No person without lawful excuse, the proof whereof shall lie on him, shall buy, sell or have in his possession any game, or the nests, or eggs of any wild bird, or any part thereof, during the close season.

Seizure.

**10.** All guns, ammunition, traps, boats, skiffs, canoes, punts and vessels of every description, horses, dogs, wagons, sleighs and other outfits, decoys and appliances and materials of every kind, used in violation of or for the purpose of violating this Act or any regulation, and any game, nest or egg, or parts thereof, taken, caught, killed or had in possession in violation of this Act or any regulation, may be seized upon view by any game officer or game warden, or taken and removed by any person appointed for such purpose by a game officer or game warden for delivery to any game officer or justice of the peace.

Penalty for offences by officers.

**11.** Any game officer, game warden or peace officer who violates this Act or any regulation, or who aids, abets or connives at any violation of this Act or of any regulation, shall be liable upon summary conviction to a penalty not exceeding five hundred dollars and not less than one hundred dollars, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment.

Interference with officers.

**12.** Any person who assaults, obstructs or interferes with any game officer, game warden, constable or other peace officer in the discharge of any duty under the provisions of this Act or of any regulation, shall be guilty of a violation of this Act.

Refusing information or giving false information.

**13.** Any person who wilfully refuses to furnish information or wilfully furnishes false information to a game officer, game warden or peace officer respecting a violation of this Act or of any regulation, the existence of or the place of concealment of any game, nest or egg, or portion thereof captured, killed or taken in violation of this Act or of any regulation, shall be guilty of a violation of this Act.

Search.

**14.** Any game officer, game warden, constable or other peace officer may enter any place, building or premises, or any ship, vessel, or boat in which he has reason to believe there exists game, nests or eggs or any parts thereof in respect to which a breach of this Act or of the regulations has been committed, and may open and examine any trunk, box, bag, parcel or other receptacle which he has reason to suspect and does suspect contains any such game, nest or egg or any part thereof.

Arrest on view.

**15.** Any person found committing an offence against this Act may be arrested on view by any game officer, game warden or peace officer.

Justice may convict on view.

**16.** Every game officer and justice of the peace may upon his own view convict for any offence against this Act or a regulation.

Separate offences.

**17.** The killing, taking, trapping, capturing, or having in possession of each mammal or bird or separate part thereof contrary to the provisions of this Act or a regulation shall constitute a separate offence.

Oath of game officers and game wardens.

**18.** Every game officer and every game warden shall before acting take and subscribe to the following oath:—

A. B. , game officer (or game warden), appointed under the provisions of *The Northwest Game Act* and the regulations do swear that to the best of my judgment I will faithfully, honestly and impartially execute and perform the office and duty of such game officer (or game warden) according to the true intent and meaning of *The Northwest Game Act* and the regulations, So help me God.

**19.** Any person who violates any of the provisions of this Act for which no other penalty is provided, or any regulation, shall be guilty of an offence and shall be liable upon summary conviction to,— Penalties.

(*a*) a fine not exceeding five hundred dollars or less than one hundred dollars or to imprisonment for any term not exceeding six months or to both fine and imprisonment for any offence against any regulation relating to wild mammals in regard to which there is no open season or to wild mammals within an area where there is no open season; Offences respecting wild mammals in sanctuaries or in regard to which there is no open season.

(*b*) a fine not exceeding two hundred dollars or less than twenty-five dollars or to imprisonment for any term not exceeding two months or to both fine and imprisonment for any offence against any regulation relating to wild birds in regard to which there is no open season or to wild birds within an area where there is no open season;

(*c*) a fine not exceeding two hundred dollars or less than fifty dollars or to imprisonment for any term not exceeding three months or to both fine and imprisonment for any offence against any regulation under paragraphs (*e*) and (*g*) of section four; Offences respecting poisons and appliances and trafficking, hunting and trapping.

(*d*) a fine not exceeding one hundred dollars or less than ten dollars or to imprisonment for any term not exceeding two months or to both fine and imprisonment for any other offence against this Act or any regulation; General penalty.

(*e*) in addition to any other penalty, the forfeiture to the Crown of anything seized under the provisions of section ten. Forfeiture.

**20.** When because of the distance, or for want of conveyance or communication, or for any other cause, it is not convenient to confine any convicted person in the nearest gaol, or other place of confinement, the convicting authority shall have power to confine such person in any suitable building which is more convenient to the place of trial, and to take all necessary precautions to prevent his escape therefrom. Provision for inprisonment in certain cases.

**21.** Chapter one hundred and fifty-one of the Revised Statutes of Canada, 1906, is hereby repealed. Repeal.

**22.** This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Commencement of Act.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 100.

An Act respecting Game in the North-west Territories of Canada.

First reading, June 22, 1917.

MR. ROCHE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V., 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 107.

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; 1909, c. 11; 1914, cc. 27, 28.

**1.** Subsection two of section fifteen of *The Dominion Lands Act*, chapter twenty of the statutes of 1908, is amended by inserting after the word " latter " in the tenth line thereof, the words " or to any other person or persons adjudged by the Minister to be entitled thereto as dependents of the former holder of the land ", and by adding the following at the end thereof:— Cancellation, and compensation for improvements.

" The person who may subsequently secure the land, either under entry or by sale or otherwise, may be required to pay any and all amounts due for principal and interest then charged against such land for seed grain, fodder or other relief advanced by His Majesty to the former or any preceding entrant or holder of such land, in such manner as the Minister may direct." Purchaser liable for seed grain, fodder or other relief.

**2.** Section sixteen of the said Act is amended by striking out the words " from the date of entry," in the fourth line thereof, and the words " from the date of entry or the date of commencement of residence," in the sixth and seventh lines thereof, and by adding to the said section the following words: " Any period during which a husband holds a homestead for his exclusive use and benefit shall also be deemed to be a holding by the wife for her exclusive use and benefit in any case where the entry of the husband is cancelled and entry is granted to the wife therefor." Requirements before issue of homestead letters patent. Holding by husband, deemed holding by wife in certain cases.

**3.** Section twenty-two of the said Act is amended by inserting in each case after the word " homestead," in the second and twelfth lines thereof, the words " purchased homestead or land located by him under any land warrant or scrip." Residence of volunteer on active service.

Issue of patent to disabled volunteer, a British subject or alien ally.

**4.** Section twenty-three of the said Act is hereby amended by adding the following words thereto: "whether he is a British subject by birth or naturalization or an alien who was a member of the military or naval forces of His Majesty, or of any of His Majesty's allies in the present European war; or, in the event of his death before the issue of such letters patent, in the name of the deceased in accordance with the provisions of section ninety-one of this Act."

Issue of homestead letters patent to British subjects only.

**5.** Subsection three of section twenty-five of the said Act is repealed and the following subsection is substituted therefor:—

"(3) Letters patent for a homestead shall not issue to any person who is not a subject of His Majesty by birth or naturalization: Provided that on the completion of the requirements for obtaining letters patent for a homestead in accordance with the provisions of this Act, letters patent may issue to

Exceptions as to alien entrants.

(*a*) an alien legal representative of any entrant whether such entrant was a British subject or not;

(*b*) an alien entrant who has become insane or mentally incapable and unable to comply with any or all of the requirements for obtaining letters patent for a homestead in accordance with the provisions of this Act;

(*c*) an alien entrant who has died while on active service during the present war with any of the military or naval forces of His Majesty, or of any ally of His Majesty;

(*d*) an alien entrant who is unable to obtain a certificate of naturalization as a British subject owing to his inability to comply with the conditions of *The Naturalization Act, 1914*, by reason of the said alien being on active service during the present war with any of the military or naval forces of His Majesty or of the allies of His Majesty; provided that the said alien entrant has completed the settlement duties of his homestead to the satisfaction of the Minister;

(*e*) an alien female entrant who has been granted entry for a homestead under subsection two of section nine of this Act and who is prevented, by the provisions of *The Naturalization Act, 1914*, from becoming a British subject;

(*f*) any alien entrant who has not resided in the British dominions or been in the service of the Crown for the period necessary for naturalization, provided that such alien entrant satisfy the Minister that in all respects save such period of residence or service,

he is qualified to be naturalized and declares upon oath his intention to be so naturalized as soon as he has completed such period of residence or service."

**6.** Subsection one of section twenty-seven of the said Act is amended by striking out paragraphs (*b*) and (*c*) of the said subsection and substituting the following paragraph for the said paragraph (*c*):— Rights to pre-emption.

"(*b*) cultivating fifty acres on either his homestead or his pre-emption in addition to such cultivation as he may be required to perform before being granted a patent for his homestead. Area and extent of required cultivation.

When the surface of both the homestead and pre-emption is of a wooded, rocky or broken character, the Minister may in his discretion reduce the area of cultivation which is required under this paragraph.

After the entrant has complied with all the requirements necessary to entitle him to a patent for the homestead, he shall thereafter do each year, to the satisfaction of the Minister, such portion of the cultivation herein required as the Minister may prescribe."

**7.** Section twenty-seven of the said Act is further amended by adding thereto the following subsections:— Certificate of recommendation to entrant for pre-emption on compliance with conditions except payment of price and interest.

" (9) Notwithstanding anything to the contrary in this Act, when an entrant for a pre-emption has applied for a patent therefor in the manner prescribed by law and has shown to the satisfaction of the Minister that he has complied with the conditions of his entry except for the payment of the purchase price and interest thereon, he may, upon application to the Minister, receive a certificate of recommendation in the Form " J " in the Schedule to this Act. The said certificate shall be countersigned by the Commissioner of Dominion Lands, and upon payment in full being made of the money due on account of the purchase price and interest thereon to the date of payment, a patent for such pre-emption shall be issued to the holder of the entry. The issue of a certificate of recommendation as aforesaid shall enable the holder of a pre-emption entry to mortgage, assign or transfer his interest in the land affected by such entry in the same way as if a patent had issued therefor. Rights of holder.

(10) Failure on the part of an entrant for a pre-emption to make the final payment therefor within a period of one year from the date of the issue to him of a certificate of recommendation, shall render the said certificate of recommendation liable to cancellation on the order of the Minister." May be cancelled on failure to make final payment.

Entry for purchased homestead.

**8.** Subsection one of section twenty-eight of the said Act is amended by striking out the last four lines thereof and substituting the following paragraph therefor :

Area of cultivation may be reduced.

"Provided that when the surface of the purchased homestead is of a wooded, rocky or broken character, the Minister may in his discretion reduce the area of cultivation which is required under this subsection."

**9.** Subsection two of the said section twenty-eight is repealed and the following subsection is substituted therefor:—

Residence duties for purchased homestead.

" (2) If the land entered for under this section is situated within a distance of not more than nine miles in a direct line, exclusive of the width of the road allowance crossed in the measurement, from the entrant's patented free homestead, or from farming land containing an area of not less than eighty acres solely owned by the entrant or by his wife, residence upon the patented free homestead or upon such land may be accepted as residence upon the purchased homestead, and the erection of the requisite building upon the land upon which the entrant has resided may be accepted as compliance by him with the provisions of paragraph (*c*) of subsection one of this section."

**10.** Section twenty-eight of the said Act is further amended by adding thereto the following subsection:—

Certificate of recommendation to entrant for purchased homestead on compliance with conditions except payment of price and interest.

" (11) Notwithstanding anything to the contrary in this Act, when an entrant for a purchased homestead has applied for a patent therefor in the manner prescribed by law, and has shown to the satisfaction of the Minister that he has complied with the conditions of his entry, except for the payment of the purchase price and interest thereon, he may, upon application to the Minister, receive a certificate of recommendation in the Form "J" in the Schedule to this Act. The said certificate shall be countersigned by the Commissioner of Dominion Lands, and upon payment in full being made of the money due on account of purchase price and interest thereon to the date of payment, patent for such purchased homestead shall be issued to the holder of entry therefor. The issue of a certificate of recommendation as aforesaid shall enable the holder of a purchased homestead entry to mortgage, assign or transfer his interest in the land affected by such entry in the same way as if patent had issued therefor.

Rights of holder.

May be cancelled on failure to make final payment.

" (12) Failure on the part of an entrant for a purchased homestead to make the final payment therefor within a period of one year from the date of issue to him of a certificate of recommendation shall render the said certificate of recommendation liable to cancellation on the order of the Minister."

**11.** Section thirty-two of the said Act is hereby amended by adding thereto the additional proviso following:—

Sale of agricultural lands to entrant prevented from completing duties, but with equitable claim.

" Provided also that in case an entrant for a homestead who has faithfully and to the best of his ability endeavoured to perform the duties required of him, but who, from some unpreventable cause or physical incapacity, has failed to complete those duties, or who, through some technicality, is held to have failed in fulfilling the requirements of this Act, but yet has an equitable claim entitling him, in the opinion of the Minister, to favourable consideration, the Minister may sell the homestead to the entrant at a price to be fixed by the Minister and to be not less than one dollar an acre.

Sale or lease of lands unsuitable for cultivation.

**12.** Section thirty-four is amended by inserting after the word " irrigation " in the second line thereof, the words " or drainage ", and by inserting after the word " irrigation " in the third line thereof the words " or drainage."

Regulations for disposal of pulpwood berths.

**13.** Section fifty-one of the Act is amended by inserting immediately after the word " miles " in the fifth line thereof the words " excepting a timber berth granted for the cutting thereon of pulpwood, which pulpwood berth shall be of such area as may be determined by the Governor in Council."

Conditions of license.

**14.** Paragraph (*a*) of section fifty-four of the said Act is hereby amended by adding immediately after the word " license " in the seventh line thereof the words "provided that the grantee of a pulpwood berth shall erect a mill or mills of such capacity and character and at such point or points, and at such time or times as the Minister may decide."

Erection of mills.

Withdrawal of portion of timber berth from license.

**15.** Section fifty-seven of the said Act is hereby repealed and the following section is substituted therefor:—

" **57.** (1) When, in the opinion of the Minister, any portion of a timber berth has not a sufficient quantity of the kind and dimensions of timber specified in the license for such berth to make it profitable to remove the timber upon such portion of the berth, and when, in the opinion of the Minister, such portion of the berth is not necessary for the proper working of the remainder of the berth, the Minister may withdraw such portion from the berth, but in no case shall such withdrawal be made until the expiration of sixty days after a notice in writing of the proposed withdrawal has been given to the lessee or to his legal representative by the Minister, or by some one thereto authorized by the Minister.

Reduction of rent.

(2) Upon the withdrawal of any portion of a timber berth, the rental to be paid under the license shall be reduced in proportion to the area withdrawn."

**16.** Section fifty-eight of the said Act is hereby repealed and the following section substituted therefor:—

Licenses for timber berths in Forest Reserves or Dominion Parks subject to regulations.

" **58.** Licenses issued under the authority of this Act for a timber berth situated within the boundaries of a Dominion Forest Reserve or of a Dominion Park established under the provisions of chapter ten of the statutes of 1911, or of any Act passed amending that Act, shall be subject to such provisions of the said Acts, and to such regulations as are made by the Governor in Council thereunder as provide for the protection of Dominion Forest Reserves, of Dominion Forest Parks, and the protection of game, birds, fish or other animals therein, and the prevention of fires therein, and the preservation and reproduction of timber."

Permits to cut timber.

**17.** Subsection one of section fifty-nine of the said Act is hereby amended by adding thereto the following paragraph: " (*h*) for pulpwood."

Pulpwood included and area of tract extended.

**18.** Paragraph (*b*) of subsection two of section fifty-nine of the said Act is amended by adding immediately after the word " cordwood " in the first line thereof the word " pulpwood " and by striking out the words " one-quarter of a " in the third line thereof and substituting therefor the word " one."

Forfeiture of license.

**19.** Subsection four of section sixty of the said Act is hereby amended by striking out the word " thirty " where it appears in the second line of the said subsection, and substituting therefor the word " ninety."

Entrant for homestead.

**20.** Paragraph (*l*) of section seventy-six of the said Act is hereby repealed.

No Department employee to purchase lands.

**21.** (1) Subsection one of section eighty-four of the said Act is amended by inserting after the word " therein " in the fourth line thereof the words " by homestead entry or otherwise."

Other Employees.

(2) Subsection two of the said section eighty-four is hereby repealed.

Cancellation of letters patent or recommendation issued in error.

**22.** Section ninety-two of the said Act is amended by inserting the words " or certificate of recommendation " immediately after the words " letters patent " wherever they occur in the said section, and by inserting immediately

after the word " grant " in the fifth line of the said section the words " or certificate."

**23.** Section two of chapter twenty-seven of the statutes of 1914, and chapter twenty-eight of the statutes of 1914, are repealed. Repeal.

**24.** Subsection one of section fourteen of the Act to amend *The Dominion Lands Act*, chapter twenty-seven of the statutes of 1914, is hereby repealed and the following substituted therefor:—

"**14.** (1) Notwithstanding anything to the contrary in the said *The Dominion Lands Act*, if a report from a homestead inspector shows that a quarter-section held as a homestead or purchased homestead, or a half section held as a homestead and pre-emption, does not contain arable land to the extent necessary to fulfil the requirements of the said Act with respect to cultivation, the person holding entry for such land shall be entitled to patent therefor on furnishing evidence that he has fulfilled the other conditions attached to his entry, and on proving to the satisfaction of the Minister that, in lieu of cultivation, he has complied with the requirements with respect to stock as hereunder provided. Stock in lieu of cultivation in case of certain quarter-sections.

In the case of a homestead or purchased homestead, the entrant shall show that he has had upon such land stock solely owned by him, during the first year of performance of duties to the number of five head; during the second year, to the number of ten head, and during the third year and in each of the subsequent years to the date of his application for patent, to the number of sixteen head. Stock required for homestead or purchased homestead.

In the case of a pre-emption, the entrant shall be required to show, when making application for patent, that he has had upon his homestead or pre-emption, or on both, stock to the number of at least five head during the first year of performance of duties for such homestead and pre-emption; during the second year stock to the number of at least ten head, and after the expiration of the second year and up to the date of his application for patent for his pre-emption, stock to the number of at least twenty-four head, and that he has complied to the satisfaction of the Minister with the other requirements of this Act. Stock required for pre-emption.

In the case of a quarter-section having a smaller area than one hundred and sixty acres, the number of stock required to be owned and kept thereon may be proportionately reduced." Reduction on smaller areas.

**25.** Subsection five of section fourteen of chapter twenty-seven of the statutes of 1914 is repealed and the following subsection is substituted therefor:—

Buildings for stock.

" (5) Substantial buildings for the accommodation of the whole number of stock to be kept in any year, as hereinbefore provided, shall be erected and maintained to the satisfaction of the Minister during the whole period such stock is to be kept and solely owned by the settler as hereinbefore specified; and such buildings shall be erected upon the homestead, pre-emption, purchased homestead, or upon any land upon which the settler is entitled to reside under the provisions in that behalf contained in this Act."

FORM " J ".

I certify that
who is the holder of a pre-emption entry (or purchased homestead entry *as the case may be*) for (*here describe the land*), has furnished evidence that he has performed the duties prescribed by law in order to entitle him to receive a patent for such land upon payment of the purchase price, together with accrued interest thereon, and that I have recommended the issue of such patent upon payment being made in full of the purchase price together with interest thereon to date of payment.

*Local Agent.*

(Place , Date )

This certificate will expire on the
day of , 191 . , but is renewable in the discretion of the Minister of the Interior.

Countersigned,

*Commissioner of Dominion Lands.*

The operation of this certificate is hereby extended until.....

*Commissioner of Dominion Lands.*

107.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 107.

An Act to amend The Dominion Lands Act.

First reading, June 29, 1917.

MR. ROCHE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 112.

An Act to amend the Inspection and Sale Act (Hay Inspection).

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

R.S., c. 85; 1907, c. 21; 1908, cc. 35, 36; 1911, c. 15; 1912, c. 27; 1913, cc. 21, 25; 1914, cc. 7, 10, 36, 45.

**1.** Section three hundred and forty of the *Inspection and Sale Act*, chapter eighty-five of the Revised Statutes, 1906, is repealed and the following sections are substituted therefor:—

Grades of hay in Ont., Que., N.S., N.B., and P.E.I.

"**340.** The grades for hay grown in the provinces of Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island, shall be as follows:—

(*a*) *Prime Timothy* shall be pure timothy, perfect in colour, sound and well cured;

(*b*) *No. 1 Timothy* shall be timothy with not more than one-eighth of clover or other tame grasses mixed, of good colour, sound and well cured;

(*c*) *No. 2 Timothy* shall be timothy with not more than one-third of clover or other tame grasses mixed, of good colour, sound and well cured;

(*d*) *No. 3 Timothy* shall consist of at least fifty per cent of timothy and the balance of clover or other tame grasses mixed, of fair colour, sound and well cured;

(*e*) *No. 1 Clover* shall be clover with not more than one-quarter of timothy or other tame grasses mixed, of good colour, sound and well cured;

(*f*) *No. 2 Clover* shall be clover with not more than one-quarter of timothy or other tame grasses mixed, of fair colour, sound and well cured;

(*g*) *Mixed Hay* shall be hay which does not come under the description of timothy or clover, and which is in good condition, of good colour, sound and well cured;

(*h*) *No Grade* shall include all kinds of hay badly cured, stained or out of condition;

(*i*) *Shipping Grade* shall be hay in good condition, pressed, sound and well cured.

Grades of hay in Man., B.C., Sask., Alta., and N.W.T.

" **340A.** The grades for hay grown in the provinces of Manitoba, British Columbia, Saskatchewan, Alberta, and the North West Territories, shall be as follows:—

TAME GRASSES.

I. (*a*) *Choice Timothy Hay* shall be timothy free from stubble or weeds, with not more than one-twentieth other grasses, of bright natural colour and properly cured and sound.

(*b*) *No. 1 Timothy Hay* shall be timothy with not more than one-eighth mixed clover or other tame grasses, and not more than one-twentieth weeds, properly cured, of good colour and sound.

(*c*) *No. 2 Timothy Hay* shall be timothy mixed with not more than one-fourth clover or other grasses, and not more than one-tenth weeds of fair colour and sound.

(*d*) *No. 3 Timothy Hay* shall include all hay showing at least one-half timothy not more than one-fifth weeds or inferior grasses and must be sound.

(*e*) *No. 1 Timothy Clover Mixed* shall be timothy and clover mixed with at least one-half timothy and the remainder good clover, of good colour and sound.

(*f*) *No. 2 Timothy Clover Mixed* shall be at least one-third timothy, one-third clover with not more than one-tenth weeds and the remainder of mixed tame grasses, of fair colour and sound.

(*g*) *No. 1 Rye Grass, Brome, Orchard Grass, or Alfalfa* shall be rye grass, brome, orchard grass or alfalfa, as the case may be, with not more than one-eighth of other poorer grasses and not more than one-twentieth weeds, properly cured and of good colour and sound.

(*h*) *No. 2 Rye Grass, Brome, Orchard Grass, or Alfalfa* shall be rye grass, brome, orchard grass or alfalfa, as the case may be, with not more than one-fourth of other poorer grasses, and not more than one-tenth weeds, of fair colour and sound.

(*i*) *No. 3 Rye Grass, Brome, Orchard Grass, or Alfalfa* shall include all hay showing at least one-half rye grass, brome, orchard grass or alfalfa, as the case may be, and not more than one-fifth weeds or other poorer grasses, and must be sound.

(*j*) *No Established Grade* shall include all hay not classified in the foregoing.

WILD GRASSES.

II. (*a*) *Choice Prairie Upland Hay* shall be red top or peavine hay of bright colour, dry, well cured, sweet and sound, free from weeds.

(*b*) *No. 1 Upland Hay* shall be upland or red top with not more than one-quarter midland, peavine or wild vetch; all dry, well cured, of good colour, sound and reasonably free from weeds.

(*c*) *No. 2 Prairie Upland Hay* shall be upland of fair colour or midland of good colour, all dry, well cured, sweet, sound and reasonably free from weeds.

(*d*) *No. 1 Mixed Prairie Hay* shall be midland of fair colour, or slough or Scotch grass of good colour, dry, not caked, and sound and reasonably free from weeds.

(*e*) *No. 2 Mixed Prairie Hay* shall be swamp grass of fair colour, not too coarse or containing rush or dead bottom, dry and sound and reasonably free from weeds.

NO GRADE OR REJECTED.

III. (*a*) *No Grade Hay* shall include all hay that is damp or otherwise unfit for storage, and shall be entered in the Inspecting Officer's books as "No Grade", with a note as to its quality and condition.

(*b*) *Rejected Hay* shall consist of hay containing fox tail or spear grass, or hay heated or containing must or mould or otherwise damaged, and shall include all hay not good enough for other grades.

"**340**B. (1) All inspecting officers shall where necessary enter in their books their detailed reasons for grading any particular bale or bales of hay. Reasons for grading to be recorded.

(2) Hay pressed in bales for sale in Canada shall be free from all foreign matter that would prejudicially affect the grade or add to the weight of the bale. No foreign matter.

(3) The wire to be used in baling hay shall be number fourteen standard gauge annealed steel wire. Wire to be used.

(4) When hay that is baled is inspected the Inspection Officer shall enter in his book a statement of the character and condition of the fastenings of the bales. State of fastenings to be recorded.

(5) The scales used by pressers of hay shall be inspected at least once every year. Inspection of hay pressers' scales.

"**340**C. No one shall press hay for sale or exportation until he has obtained a license in such form as the Minister of Trade and Commerce prescribes, for which license a fee of one dollar shall be charged. Licenses required for hay pressing for sale, etc.

Bales of hay to be tagged showing weight, etc.

"**340**D. (1) Every presser of hay for sale in Canada shall attach to each bale of hay a metal tag, having thereon the license number of the presser, the weight of the bale and the month and year in which such bale was pressed, and may be in the form following:—

| |
|---|
| License No..... |
| .....lbs. |
| .....19.... |

Importers of hay in bales to tag showing weight, etc.

(2) All importers of hay in bales disposing of any such hay in less than carload lots, shall attach to each bale of such hay a metal tag, having thereon the name and address of the importer and the weight of the bale.

Imported hay how to be graded.

"**340**E. When hay imported into Canada is inspected it shall be inspected and graded in accordance with the provisions of this Act applicable to hay grown in the province into which hay is imported.

How railways to facilitate inspection.

"**340**F. Railway companies carrying hay which the owner, consignee, agent, or purchaser desires to have inspected shall where practicable deliver the same at a siding or other place where proper facilities are provided for such inspection."

**2.** The said Act is amended by inserting the following sections immediately after section three hundred and fifty-seven:—

Penalty for pressing hay without license.

"**357**A. Any person who without first obtaining a license presses hay for sale in Canada shall, on summary conviction, be liable to a fine of twenty-five dollars for the first offence, and for each subsequent offence to a fine of fifty dollars.

Penalty for putting foreign matter in bales.

"**357**B. Any person who puts any foreign matter into any bale of hay intended for sale which improperly increases its weight or which prejudicially affects the quality of the hay shall, on summary conviction, be liable to a fine of twenty-five dollars for a first offence, and for each subsequent offence to a fine of fifty dollars.

Penalty for fraudulent tagging.

"**357**C. Any person who fraudulently marks or stamps upon any tag attached to any bale of hay a wrong weight shall, on summary conviction, be liable to a fine of twenty-five dollars for a first offence, and for each subsequent offence to a fine of fifty dollars.

"**357D.** Any person who removes or detaches or causes to be removed or detached any tag prescribed by this Act from any bale of hay intended for sale, or before the bale has been opened for consumption or repacking shall, on summary conviction, be liable to a fine of forty dollars for a first offence, and for each subsequent offence to a fine of one hundred dollars or one month in gaol. Penalty for improperly removing tags.

"**357E.** Any presser of hay or importer of hay who fails to attach a tag to each bale of hay as prescribed by this Act shall, on summary conviction, be liable to a fine of forty dollars for each such failure." Penalty for not tagging.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 112.

An Act to amend the Inspection and Sale Act (Hay Inspection).

First reading, July 19, 1917.

SIR GEORGE FOSTER.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917.

THE HOUSE OF COMMONS OF CANADA.

# BILL 115.

An Act to amend the Boards of Trade 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. 124, 1908, c. 9.

**1.** Paragraph (*a*) of section two of the *Boards of Trade Act*, Revised Statutes of Canada, 1906, chapter one hundred and twenty-four, is amended by inserting after the word "purpose" in the eighth line thereof, the words:— Definition of "district" extended to include several municipalities, etc.

"or any group of such municipalities or divisions,"

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 115.

An Act to amend the Boards of Trade Act.

First reading, July 20, 1917.

SIR GEORGE FOSTER.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 116.

An Act to assist Returned Soldiers in settling upon the Land and to increase Agricultural production.

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 Soldier Settlement Act, 1917.*

Definitions.

**2.** In this Act and in any regulation made under the provisions of this Act,—

(*a*) "Board" means the Soldier Settlement Board;

(*b*) "Minister" means the Minister of the Interior;

(*c*) "settler" means any person who has served in the naval or military expeditionary forces of Canada during the present war, or who was engaged in active service during the present war in the naval or military forces of the United Kingdom or of any of the self-governing British Dominions or Colonies, and who has left the forces with an honourable record or who has been honourably discharged, and the widow of any such person who died on active service.

Board.

**3.** (1) The Governor in Council may appoint a Board consisting of three Commissioners to be called "The Soldier Settlement Board."

Tenure of office.

(2) Each Commissioner shall hold office during good behaviour, but may be removed at any time by the Governor in Council for cause, provided that a Commissioner shall cease to hold office upon reaching the age of seventy years.

Chairman.

(3) One such commissioner shall be appointed by the Governor in Council to be chairman of the Board.

Salaries.

(4) The chairman shall be paid a salary of six thousand dollars per annum, and each of the other commissioners shall be paid a salary of five thousand dollars per annum, and such salaries shall be paid monthly out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Staff.

(5) There shall be attached to the Board such officers, instructors, clerks, stenographers and other employees as the Board, with the approval of the Governor in Council, at any time appoints, with such salaries and remuneration as the Governor in Council may approve. All persons so employed shall hold office during the pleasure of the Board.

Dominion lands to be reserved.

**4.** (1) The Minister, at the request of the Board, may reserve Dominion lands for the purposes of this Act.

Lapse of reservation.

(2) Any such reservation shall lapse three years after the close of the present war.

Free entries.

(3) The Minister may grant to any settler recommended by the Board a free entry for not more than one hundred and sixty acres of such reserved lands, subject to such conditions as in the opinion of the Governor in Council are necessary to secure the use of the land for the purpose for which it is granted.

Loans.

**5.** (1) The Board may loan to a settler an amount not exceeding two thousand five hundred dollars for any of the following purposes:—

(*a*) the acquiring of land for agricultural purposes;

(*b*) the payment of incumbrances on lands used for agricultural purposes;

(*c*) the improvement of agricultural land;

(*d*) the erection of farm buildings;

(*e*) the purchase of stock, machinery and equipment; and

(*f*) such other purpose or purposes as the Board may approve.

Supervision of expenditure.

(2) The money loaned shall be expended under the supervision of the Board.

Conditions upon which loans may be made.

**6.** (1) No loan shall be made until the Board is satisfied,—

(*a*) that the value of the security offered is sufficient to justify the loan, the value to be estimated on the basis of the agricultural productiveness of the land, and the commercial value of any other security given;

(*b*) that the applicant has the ability to make from the land a fair living for himself and his family, after paying the interest and amortization charges and other payments that will be due and payable with respect to the land.

Application to be made in writing.

(2) No loan shall be considered except upon the written application of the borrower, and such application shall be in such form as may be prescribed by the Board, and shall set forth distinctly and definitely the purpose for which the loan is required.

Information.

(3) An applicant for a loan shall furnish such additional details, references and information as the Board may at any time require.

(4) All loans upon Dominion lands shall constitute a first charge against the land, and all loans upon other lands shall be secured by first mortgages, and all loans shall in all cases bear interest at the rate of five per centum per annum. First charge and rate of interest.

(5) Payments of principal and interest shall be made in equal annual instalments extending over a period of not more than twenty years. Amortization.

(6) The Board may defer the payment of the whole or part of the first two instalments to such later date as it may deem expedient, such deferred payments to continue to bear interest at the rate aforesaid. Deferring two first payments.

(7) The settler may at any time pay to the Board the whole or any part of the money borrowed, with interest. Interest shall be payable up to the date of such payment. Loan may be paid off at any time.

(8) When a loan has been made upon Dominion lands, no patent shall issue until the loan and all interest thereon have been paid in full. Patent only issues after payment.

**7.** The Board may, with the approval of the Governor in Council, make provision for,— Agricultural instruction.

(*a*) the placing of returned soldiers with farmers in order that they be instructed in farming;

(*b*) agricultural training stations for returned soldiers;

(*c*) farm instructors and inspectors to assist settlers with information and instruction in farming;

(*d*) training in domestic and household science for settlers' wives and female dependents.

**8.** (1) The Board may, with the approval of the Governor in Council, make regulations,— Regulations.

(*a*) prescribing the manner in which entries for land and applications for loans may be made;

(*b*) prescribing the conditions upon which free entries and patents for the land may be granted and issued;

(*c*) prescribing the security to be given for loans, the conditions subject to which loans shall be made, and the manner and dates in and at which such loans shall be repaid;

(*d*) prescribing the manner and conditions upon which settlers may transfer their rights; and

(*e*) with respect to any matter deemed necessary by the Board for the carrying out of the purposes of this Act.

(2) All regulations made under this Act shall be published in the *Canada Gazette* and be laid before both Houses of Parliament within fifteen days after the making thereof, and, if Parliament is not then sitting, within fifteen days after the opening of the next session of Parliament. Publication of regulations.

**9.** All expenditure made under this Act shall be paid out of such moneys as Parliament may appropriate for the purpose. Expenditure, how to be paid.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 116.

An Act to assist Returned Soldiers in settling upon the Land and to increase Agricultural production.

First reading, July 20, 1917.

MR. ROCHE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA

# BILL 117.

An Act to authorize the levying of a War Tax upon certain incomes.

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 Income War Tax Act, 1917.* Short title.

**2.** In this Act, and in any regulations made under this Act, unless the context otherwise requires,— Definitions.

(*a*) "Board" means a Board of Referees appointed under section twelve hereof; "Board."

(*b*) "Minister" means the Minister of Finance; "Minister."

(*c*) "normal tax" means the tax authorized by paragraph (*a*) of section four of this Act; "Normal tax."

(*d*) "person" means any individual or person and any syndicate, trust, association or other body and any body corporate, and the heirs, executors, administrators, curators and assigns or other legal representatives of such person, according to the law of that part of Canada to which the context extends; "Person."

(*e*) "supertax" means the taxes authorized by paragraphs (*b*) to (*g*), both inclusive, of section four of this Act; "Supertax."

(*f*) "taxpayer" means any person paying, liable to pay, or suspected by the Minister to be liable to pay, any tax imposed by this Act; "Taxpayer."

(*g*) "year" means the calendar year. "Year".

**3.** (1) For the purposes of this Act, "income" means the annual profit or gain or gratuity, whether ascertained and capable of computation as being wages, salary, or other fixed amount, or unascertained as being fees or emoluments, or as being profits from a trade or commercial or financial or other business or calling, directly or indirectly received by a person from any office or employment, or "Income."

from any profession or calling, or from any trade, manufacture or business, as the case may be; and shall include the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security, or from stocks, or from any other investment, and, whether such gains or profits are divided or distributed or not, the share of any gains or profits made by any syndicate, trust, association, corporation or other body, or any partnership, to which a taxpayer would be entitled if such profits or gain were divided or distributed, and also profit or gain from any other source; with the following exemptions and deductions,—

Excepted income.

(*a*) the value of property acquired by gift, bequest, devise or descent;

(*b*) the proceeds of life insurance policies paid upon the death of the person insured, or payments made or credited to the insured on life insurance endowment or annuity contracts upon the maturity of the term mentioned in the contract or upon the surrender of the contract;

(*c*) such reasonable allowance as may be allowed by the Minister for depreciation, or for any expenditure of a capital nature for renewals, or for the development of a business, and the Minister, when determining the income derived from mining and from oil and gas wells, shall make an allowance for the exhaustion of the mines and wells;

(*d*) the amount of income the tax upon which has been paid or withheld for payment at the source of the income under the provisions of this Act;

(*e*) amounts subscribed and paid by the taxpayer during the year to the Patriotic and Canadian Red Cross Funds and other patriotic and war funds approved by the Minister;

(*f*) for the purposes of the normal tax, the income embraced in a personal return shall be credited with the amount received as dividends upon the stock or from the net earnings of any company or other person which is taxable upon its income under this Act.

Holding companies.

(2) Where an incorporated company conducts its business, whether under agreement or otherwise, in such manner as either directly or indirectly to benefit its shareholders or any of them, or any persons directly or indirectly interested in such company, by selling its product or the goods and commodities in which it deals at less than the fair price which might be obtained therefor, the Minister may, for the purposes of this Act, determine the amount which shall be deemed to be the income of such company for the year, and in determining such amount the Minister

shall have regard to the fair price which, but for any agreement, arrangement or understanding, might be or could have been obtained for such product, goods and commodities.

Non-residents.

(3) In the case of the income of persons residing or having their head office or principal place of business outside of Canada but carrying on business in Canada, either directly or through or in the name of any other person, the income shall be the net profit or gain arising from the business of such person in Canada.

Undistributed gains.

(4) For the purpose of the supertax only, the income of a taxpayer shall include the share to which he would be entitled of the undivided or undistributed gains and profits made by any syndicate, trust, association, corporation or other body, or any partnership, if such gains and profits were divided or distributed, unless the Minister is of opinion that the accumulation of such undivided and undistributed gains and profits is not made for the purpose of evading the tax, and is not in excess of what is reasonably required for the purposes of the business.

Income tax.

**4.** (1) There shall be assessed, levied and paid, upon the income during the preceding year of every individual residing or ordinarily resident in Canada or carrying on any business in Canada, the following taxes,—

Over $2,000 in certain cases and over $3,000, 4 per cent.

(*a*) four per centum upon all income exceeding two thousand dollars in the case of unmarried men and widowers without dependent children, and exceeding three thousand dollars in the case of all other persons;

and in addition thereto,

Over $6,000 to $10,000, two per cent.

(*b*) two per centum upon the amount by which the income exceeds six thousand dollars and does not exceed ten thousand dollars; and

Over $10,000 to $20,000, five per cent.

(*c*) five per centum upon the amount by which the income exceeds ten thousand dollars and does not exceed twenty thousand dollars; and

Over $20,000 to $30,000, eight per cent.

(*d*) eight per centum of the amount by which the income exceeds twenty thousand dollars and does not exceed thirty thousand dollars; and

Over $30,000 to $50,000, ten per cent.

(*e*) ten per centum of the amount by which the income exceeds thirty thousand dollars and does not exceed fifty thousand dollars; and

Over $50,000 to $100,000, fifteen. per cent.

(*f*) fifteen per centum of the amount by which the income exceeds fifty thousand dollars and does not exceed one hundred thousand dollars; and

Over $100,000 twenty-five per cent.

(*g*) twenty-five per centum of the amount by which the income exceeds one hundred thousand dollars.

Corporations pay four per cent.

(2) Corporations and joint stock companies, no matter how created or organized, shall pay the normal tax upon

Fiscal year of corporations.

income exceeding three thousand dollars, but shall not be liable to pay the supertax; and the Minister may permit any corporation subject to the normal tax, the fiscal year of which is not the calendar year, to make a return and to have the tax payable by it computed upon the basis of its income for the twelve months ending with its last fiscal year preceding the date of assessment.

Partnerships not liable to tax.

(3) Any persons carrying on business in partnership shall be liable for the income tax only in their individual capacity.

Deductions allowed.

(4) Taxpayers shall be entitled to the following deductions from the amounts that would otherwise be payable by them for income tax,—

Amounts paid under special War Revenue Act, 1915, for 1917 and thereafter.

(*a*) from the income tax accruing for the year one thousand nine hundred and seventeen the amounts paid by any taxpayer for taxes accruing during the year one thousand nine hundred and seventeen under the provisions of Part I of *The Special War Revenue Act, 1915*, and from the income tax payable for any year thereafter the amounts paid by the taxpayer for taxes accruing during such year under the said Part I of the said Act; and

Amounts paid under Business Profits War Tax Act, 1916, for accounting period ending in 1917.

(*b*) from the income tax accruing for the year one thousand nine hundred and seventeen the amounts paid by any taxpayer under *The Business Profits War Tax Act, 1916*, and any amendments thereto for any accounting period ending in the year one thousand nine hundred and seventeen. In the case of a partnership each partner shall be entitled to deduct such portion of the tax paid by the partnership under *The Business Profits War Tax Act, 1916*, as may correspond to his interest in the income of the partnership.

Incomes not liable to tax.

**5.** The following incomes shall not be liable to taxation hereunder,—

(*a*) the income of the Governor General of Canada;

(*b*) the incomes of Consuls and Consuls General who are citizens of the country they represent and who are not engaged in any other business or profession;

(*c*) the income of any company, commission or association not less than ninety per cent of the stock or capital of which is owned by a province or a municipality;

(*d*) the income of any religious, charitable, agricultural and educational institutions, Boards of Trade and Chambers of Commerce;

(*e*) the incomes of labour organizations and societies and of benevolent and fraternal beneficiary societies and orders;

(*f*) the incomes of mutual corporations not having a capital represented by shares, no part of the income of which inures to the profit of any member thereof,

and of life insurance companies except such amount as is credited to shareholders' account;

(*g*) the incomes of clubs, societies and associations organized and operated solely for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which inures to the benefit of any stockholder or member;

(*h*) the incomes of such insurance, mortgage and loan associations operated entirely for the benefit of farmers as are approved by the Minister;

(*i*) the income derived from any bonds or other securities of the Dominion of Canada issued exempt from any income tax imposed in pursuance of any legislation enacted by the Parliament of Canada; and

(*j*) the military and naval pay of persons who have been on active service overseas during the present war in any of the military or naval forces of His Majesty or any of His Majesty's allies.

Payment of tax at source.

**6.** (1) All persons in whatever capacity acting, having the control, receipt, disposal or payment of fixed or determinable annual or periodical gains, profits or income of any taxpayer, amounting to or exceeding two thousand dollars in the case of unmarried men or widowers without dependent children, and three thousand dollars in the case of all other persons, shall, on behalf of such taxpayer, deduct and withhold an amount equal to the tax payable upon the same under this Act, and shall pay the amount so deducted to the Minister, and shall also make and render a separate and distinct return to the Minister of such gains, profits or income, containing the name and address of each taxpayer.

No exemption unless notice given and return made.

(2) When the income tax of a taxpayer is withheld and deducted under the provisions of this section, such taxpayer shall not receive the benefit of any exemption or deduction under this Act unless he shall, not less than thirty days prior to the day on which the return of his income is due, under section seven hereof, (*a*) file with the person who is required to withhold and pay the tax for him a notice in writing claiming such exemption or deduction and thereupon the tax to the extent of such exemption or deduction shall not be withheld from such taxpayer, and (*b*) file with the person aforesaid and with the Minister such return of his income and a statement of the deductions and exemptions as the Minister may direct.

Annual return to Minister of total income.

**7.** (1) Every person liable to taxation under this Act shall, on or before the twenty-eighth day of February in each year, without any notice or demand, deliver to the Minister a return, in such form as the Minister may prescribe, of his total income during the last preceding calendar

year. In such return the taxpayer shall state an address in Canada to which all notices and other documents to be mailed or served under this Act may be mailed or sent.

Returns of corporations, etc.

(2) The return in the case of a corporation, association or other body, shall be made and signed by the president, secretary, treasurer or chief agent having a personal knowledge of the affairs of such corporation, association or other body, or, in any case, by such other person or persons employed in the business liable, or suspected to be liable to taxation, as the Minister may require.

Return by guardian, legal representative, etc.

(3) If a person liable to taxation hereunder is unable for any reason to make the return required by this section, such return shall be made by the guardian, curator, tutor or other legal representative of such person, or if there is no such legal representative, by some one acting as agent for such person, and in the case of the estate of any deceased person, by the executor, administrator or heir of such deceased person, and if there is no person to make a return under the provisions of this subsection, then such person as may be required by the Minister to make such return.

Returns by employers of salaries and by companies of dividends, etc.

(4) All employers shall make a return of all persons in their employ receiving any salary or other remuneration, any portion of which is liable to taxation under this Act, and all corporations, associations and syndicates shall make a return of all dividends and bonuses paid to shareholders and members. Such returns shall be delivered to the Minister on or before the twenty-eighth day of February in each year, without any notice or demand being made therefor, and in such form as the Minister may prescribe.

Enlarging time for returns.

(5) The Minister may at any time enlarge the time for making any return.

Additional information.

**8.** (1) If the Minister, in order to enable him to make an assessment, desires further information, or if he suspects that any person who has not made a return is liable to taxation hereunder, he may, by registered letter, require additional information, or a return containing such information as he deems necessary, to be furnished him within thirty days.

Production of letters, accounts, etc.

(2) The Minister may require the production, or the production on oath, by the taxpayer or by his agent or officer, or by any person or partnership holding, or paying, or liable to pay, any portion of the income of any taxpayer, of any letters, accounts, invoices, statements and other documents.

Inquiry as to income.

(3) Any officer authorized thereto by the Minister may make such inquiry as he may deem necessary for ascertaining the income of any taxpayer, and for the purposes of such inquiry such officer shall have all the powers and authority of a commissioner appointed under Part I of

the *Inquiries Act*, Revised Statutes of Canada, 1906, chapter one hundred and four.

Penalty.

**9.** (1) For every default in complying with the provisions of the two next preceding sections, the taxpayer, and also the person or persons required to make a return, shall each be liable on summary conviction to a penalty of one hundred dollars for each day during which the default continues.

False statements.

(2) Any person making a false statement in any return or in any information required by the Minister, shall be liable on summary conviction to a penalty not exceeding ten thousand dollars or to six months' imprisonment, or to both fine and imprisonment.

Penalty.

Assessment.

**10.** (1) The Minister shall, on or before the thirtieth day of April in each year, or on or before such other date as he may in any case or cases prescribe, determine the several amounts payable for the tax, and shall thereupon send, by registered mail, a notice of assessment in such form as the Minister may prescribe to each taxpayer notifying him of the amount payable by him for the tax. The tax shall be paid within one month from the date of mailing of the notice of assessment. In default of payment, interest at the rate of seven per centum per annum shall be paid on such tax until the said tax and interest are paid.

Date of Payment.

Minister not bound by returns.

(2) The Minister shall not be bound by any return or information supplied by or on behalf of a taxpayer, and notwithstanding such return or information, or if no return has been made, the Minister may determine the amount of the tax to be paid by any person.

Continuation of liability for tax.

(3) Any person liable to pay the tax shall continue to be liable, and in case any person so liable shall fail to make a return as required by this Act, or shall make an incorrect or false return, and does not pay the tax in whole or in part, the Minister may at any time assess such person for the tax, or such portion thereof as he may be liable to pay, and may prescribe the time within which any appeals may be made under the provisions of this Act from the assessment, or from the decision of the Board, and may fix the date of payment of the tax.

Secrecy.

**11.** No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act. Any person violating any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding two hundred dollars.

Board of Referees.

**12.** (1) The Governor in Council may appoint a Board or Boards of Referees, and may prescribe the territory or district within which a Board shall exercise jurisdiction. A Board shall consist of not more than three members, and the members of a Board shall jointly and severally have all the powers and authority of a commissioner appointed under Part I of the *Inquiries Act*, Revised Statutes of Canada, 1906, chapter one hundred and four.

Oath.

(2) Every member of the Board shall take an oath of office in form I of the Schedule to this Act before performing any duty under this Act. All affidavits made in pursuance of this subsection shall be filed with the Minister.

Court of Revision.

**13.** A Board shall act as a Court of Revision, and shall hear and determine any appeal made by a taxpayer under this Act in such place in Canada as the Minister may direct.

Notice of appeal.

**14.** Any person objecting to the amount at which he is assessed, or as having been wrongfully assessed, may, personally or by his agent, within twenty days after the date of mailing of the notice of assessment, as provided in section ten of this Act, give notice in writing to the Minister in form II of the Schedule to this Act that he considers himself aggrieved for either of the causes aforesaid, otherwise such person's right to appeal shall cease, and the assessment made shall stand and be valid and binding upon all parties concerned, notwithstanding any defect, error or omission that may have been made therein, or in any proceeding required by this Act or any regulation hereunder: Provided, however, that the Minister, either before or after the expiry of the said twenty days, may give a taxpayer further time in which to appeal.

Hearing and decision by Board.

**15.** (1) A Board, after hearing any evidence adduced, and upon such other inquiry as it considers advisable, shall determine the matter and confirm or amend the assessment accordingly. A Board may increase the assessment in any case before it. The Board shall send a copy of its decision by registered mail to the taxpayer or his agent or officer.

Costs.

(2) In any case where the appeal is unsuccessful, the Board may direct that the person who appealed shall pay the costs or part of the costs of such appeal; and if such appeal is successful, a Board, may recommend that the costs or any part thereof be paid by the Crown. The tariff of fees in force in the Exchequer Court of Canada shall apply to such appeals.

Proceedings ex parte.

**16.** If the taxpayer fails to appear, either in person or by agent, the Board may proceed ex parte or may defer the hearing.

Appeal to Exchequer Court.

**17.** If the taxpayer is dissatisfied with the decision of a Board, he may, within twenty days after the mailing of the decision, gave a written notice to the Minister in form III of the Schedule to this Act that he desires to appeal from such decision. If the taxpayer gives such notice, or if the Minister is dissatisfied with the decision, the Minister shall refer the matter to the Exchequer Court of Canada for hearing and determination, and such reference may be made in form IV of the Schedule to this Act, and he shall notify the taxpayer by registered letter that he has made such reference. On any such reference the Court shall hear and consider such matter upon the papers and evidence referred, and upon any further evidence which the taxpayer or the Crown produces under the direction of the Court, and the decision of the Exchequer Court thereon shall be final and conclusive.

Exclusive jurisdiction of Exchequer Court.

**18.** Except as hereinafter expressly provided, the Exchequer Court shall have exclusive jurisdiction to hear and determine all questions that may arise in connection with any proceeding taken under this Act, and may award costs in connection therewith.

No assessment to be set aside for technical reasons.

**19.** No assessment shall be set aside by a Board or by the Court upon the ground that there has been any error or omission in connection with any proceedings required to be taken under this Act or any regulation hereunder, but such Board or Court in any case that may come before it may determine the true and proper amount of the tax to be paid hereunder.

Tax a debt due the Crown.

**20.** The taxes and all interest and costs assessed or imposed under the provisions of this Act shall be recoverable as a debt due to His Majesty from the person on whom it is assessed or imposed.

Recovery of tax, etc.

**21.** Any tax, interest, costs or penalty that may be assessed, recovered or imposed under this Act may, at the option of the Minister, be recovered and imposed in the Exchequer Court of Canada or in any other Court of competent jurisdiction in the name of His Majesty.

Minister to administer Act.

**22.** The Minister shall have the administration of this Act, and the control and management of the collection of the taxation levied hereby, and of all matters incident thereto, and of the officers and persons employed in that service. The Minister may make any regulations deemed necessary for carrying this Act into effect.

Regulations.

Appointment of officers to administer Act, and their salaries.

**23.** The Governor in Council may from time to time appoint officers and other persons to carry out this Act or any order in council or regulations made thereunder, and the Governor in Council may assign the names of office of such officers and other persons, and grant such salaries or pay for their services and responsibilities as he deems necessary and reasonable, and may appoint the times and manner in which the same shall be paid.

First return under Act, Feb. 28, 1918, and 1917 first year's income to be taxed.

**24.** The first return to be made by taxpayers under section seven of this Act shall be made on or before the twenty-eighth day of February, one thousand nine hundred and eighteen, and all taxpayers shall (subject to the provisions of subsection two of section three) be liable to taxation in respect of their income for the year ending the thirty-first day of December, one thousand nine hundred and seventeen, and for each year thereafter, as provided by this Act.

## SCHEDULE.

### Form I.

*The Income War Tax Act, 1917.*

I, .....make oath and swear that I will faithfully and honestly fulfil the duties which devolve upon me as a member of a Board of Referees under *The Income War Tax Act, 1917.*

Sworn before me this

.....day of

.....A.D., 19....

### Form II.

*The Income War Tax Act, 1917.*

In the matter of the assessment of.....

To the Minister of Finance,

I hereby give notice that I object to the amount at which I am assessed for the following reasons:

(*here shortly describe reasons*)

*or*, I am not liable to taxation under the above Act for the following reasons:

(*here shortly describe reasons*)

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

(Signature).....

FORM III.

*The Income War Tax Act, 1917.*

In the matter of the assessment of.....
To the Minister of Finance,

I hereby give notice that I am dissatisfied with the decision given by the Board of Referees in this matter for the following reasons:

(*here shortly describe reasons*)

and that I desire to appeal to the Exchequer Court of Canada.

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

(Signature).....

FORM IV.

*The Income War Tax Act, 1917.*

In the matter of the assessment of.....

By virtue of the powers vested in me in this behalf under *The Income War Tax Act, 1917*, I hereby refer the appeal of.....(*or* my appeal) against the decision of the Board of Referees, to the Exchequer Court of Canada, for adjudication thereon, and enclose herewith the said decision and the other papers relating to the matter.

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

To the Registrar of the
Exchequer Court of Canada.

.....
Minister of Finance.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 117.

An Act to authorize the levying of a War Tax upon certain incomes.

First reading, July 26, 1917.

Sir THOMAS WHITE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 118.

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:— R.S., c. 36; 1908, c. 31; 1909, c. 18; 1910, c. 24; 1915, c. 16.

Short title.

**1.** This Act may be cited as *The Government Railways Act, 1917.*

Definitions.

**2.** In this Act, and in any regulation made hereunder,—

"Board."

(*a*) "Board" means the Board of Railway Commissioners for Canada;

"Government Railways."

(*b*) "Government Railways" means and includes all railways, and all property and works in connection therewith, owned, leased or in any way controlled by His Majesty in the right of His Government of the Dominion of Canada, and all running powers or other rights held or enjoyed by His Majesty over or with respect to any other railway or any part thereof.

Application of certain sections of Railway Act to Government Railways.

**3.** Those sections of *The Railway Act*, chapter of the statutes of 1917, which are set forth in the Schedule hereto, shall extend and apply to all Government Railways and to all officials and employees thereof, and wherever in such sections the words "company" or "railway" appear, they shall for the purposes of this Act be deemed to mean and include His Majesty or the Government Railways, as the case may require.

No fine or penalty to be imposed upon His Majesty or the Minister.

Any order of Board requiring expenditure by His Majesty, to be subject to approval.

**4.** Notwithstanding anything contained herein or in *The Railway Act*, His Majesty shall not nor shall the Minister of Railways and Canals be liable to any fine or penalty, nor shall the Board have power to impose any fine or penalty on His Majesty or on the Minister of Railways and Canals, and no order or judgment of the Board under or in consequence of which His Majesty would have to pay or expend any money shall have any force or effect until it has been approved by the Governor in Council.

Rules for practice and procedure.

**5.** The Board may, subject to the approval of the Governor in Council, make general rules and orders for regulating the practice and procedure in cases affecting any interest of His Majesty or relating to or concerning the Government Railways.

Repeal of inconsistent provisions in Government Railways Act, R.S., 1906, c. 36.

**6.** All provisions of the *Government Railways Act*, Revised Statutes of Canada, 1906, chapter thirty-six, and of any Act relating to Government Railways, inconsistent with this Act, are hereby repealed, including the following sections of the *Government Railways Act:*—

Sections fifteen to twenty-one, both inclusive, twenty-two to twenty-five, both inclusive, twenty-six to twenty-nine, both inclusive, thirty to forty-five, both inclusive, forty-six to forty-eight, both inclusive, fifty-eight, sixty-one, sixty-four to sixty-eight, both inclusive, sixty-nine to seventy-nine, both inclusive.

Commencement of Act.

**7.** This Act shall come into force upon a date to be named by proclamation of the Governor in Council.

## SCHEDULE.

Sections of *The Railway Act* made applicable to Government Railways:

Sections thirty-one, thirty-two to seventy-one, both inclusive, one hundred and eighty-five to one hundred and eighty-eight, both inclusive, one hundred and ninety-four to one hundred and ninety-eight, both inclusive, two hundred and forty-nine to two hundred and fifty-one, both inclusive, two hundred and fifty-two to two hundred and fifty-four, both inclusive, two hundred and fifty-five, to two hundred and sixty-seven, both inclusive, two hundred and sixty-eight to two hundred and seventy-one, both inclusive, two hundred and seventy-two and two hundred and seventy-three, two hundred and seventy-four and two hundred and seventy-five, two hundred and seventy-six and two hundred and seventy-seven, two hundred and seventy-eight, two hundred and seventy-nine, two hundred and eighty, two hundred and eighty-one, two hundred and eighty-two, two hundred and eighty-three, two hundred and eighty-four, two hundred and eighty-five and two hundred and eighty-six, two hundred and eighty-seven to two hundred and eighty-nine, both inclusive, two hundred and ninety-eight to three hundred and eleven, both inclusive, three hundred and twelve to three hundred and fifty-nine, both inclusive, three hundred and sixty to three hundred and sixty-six, both inclusive, three hundred

and eighty-two, three hundred and eighty-three, three hundred and eighty-four, three hundred and eighty-five, three hundred and eighty-six, three hundred and eighty-eight, three hundred and eighty-nine, three hundred, and ninety-five, four hundred and two, four hundred and four, four hundred and five, four hundred and nine, four hundred and twelve, four hundred and fourteen, four hundred and sixteen, four hundred and eighteen to four hundred and twenty-seven, both inclusive, four hundred and thirty and four hundred and thirty-one, four hundred and thirty-seven to four hundred and forty, both inclusive, four hundred and forty-three, four hundred and forty-four to four hundred and fifty, both inclusive, and four hundred and fifty-one.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 118.

An Act to amend the Government Railways Act.

First reading, July 27, 1917.

MR. COCHRANE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 119.

An Act to incorporate a Council for the Indian Tribes of Canada.

WHEREAS the persons hereinafter named have by their petition prayed to be incorporated under the name of "The Council of Indian Tribes of Canada," and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** James N. Barnhart, Joseph J. Brant, Solomon J. Brant, John A. Maracle, John J. Smart, Robert J. Barnhart, Alex. Maricle, Peter J. Brant, David Brant, William J. Sero, Johnson Lewye, George Hill, Andrew Scero, all Mohawks, of the Bay of Quinte, in the province of Ontario; Louis David, Chief Laren Jocko, Peter D. David, Laren Square, Alex. R. Thompson, Peter Deliz, Chief John David, John Thompson, Tom Thomas, Alexander Barnhart, Thomas Benedict, Mitchell Buckshott, and John Bruce, all Iroquois, of St. Regis, in the province of Quebec; Chief J. Delisle (Grand Councillor), J. T. D'Ailleboust, Peter K. Delorimier, Mike Morris, Chief James Phillips, James Ross, Peter Norton, John D'Ailleboust, Ennis P. Kamtats, Chief F. T. Johns, John T. Canadien, M. Lefebvre, So. Se. Torontento, and John Deerfoot (Saurtes Akenhaienton), all Iroquois, of Caughnawaga, in the province of Quebec; Chief James Moses (Grand Councillor), Chief Mitchell Cole, Joe Laforce, Mitchell Montaur, Joseph Nelson, S. K. Simon, William Etienne, Angus Laforce, Abram Street, Peter Street, Felix Martin, and Angus Jacob, all Iroquois, of Oka, in the province of Quebec; Alfred A. King (Grand Councillor), William Crain, A. W. T. Crain, Margaret A. Crain, Chief Francis L. King, Mrs. F. L. King, Joseph Laform (Councillor), Mrs. Susanna Laform, J. S. Brant, Julius King (Councillor), John King, George Joseph King, Incorporation.

and Norman A. King, all Mississauga Algonquins, of New Credit, in the province of Ontario; S. Ground, Asa Ground, Jonas Siscum, L. B. Siscum, William Nash, William Johnson, Julius Johnson, Paterson Sprague, E. Styres, and Isaac Snow, all Onondagas of Six Nations, of Brantford, in the province of Ontario; Andrew Kee, John Smoke, William John, H. Smoke, William Smoke, Joseph Silversmith, Samuel Buck, Louis Fish, M. Fish, and Giller Smoke, all Cayugas of Six Nations; Jacob Farmer, William A. Sttaats, Francis Martin, E. M. Staats, William J. Martin, John Vanevory, I. K. Skiler, James Johnson, Arnold Farmer, and Jake Hill, all Mohawks of Six Nations; Johnnie Brant, T. Green, B. Brant, M. Marocle, Tommy Green, John D. Hill, M. Brant, Arthur Fuller, M. Scero, Cornelous Williams, Peter Williams, Solomon Hill, John Scero, William Hill, Harry Hill, Herman Hill, Herby Brant, Nelson Scero, Robert Moracle, S. Moracle, Isaac Hill, M. Scero, L. B. Scero, Bill Scero, R. Pinn, Wellington Green, and Peter Green, all Mohawks, of Iroquois, in the province of Ontario; Joseph Doreen, E. Doreen, Guss Brant, M. Brant, Simon John, Peter Scero, E. Scero, Sylvester Moses, Alexander Scero, Harrison Scero, Jessie Green, Mike Brant, Mike Brant, Junr., David Barnhart, William Doreen, S. Toppings, David S. Brant, Wellington Jones, Cornelous Morocle, Daniel Morocle, E. Corby, Nicholas Hill, Albert Lewis, Clarence Lewis, Lawrence Loft, Peter Doreen, Denmies Scero, Nathaniel Scero, D. Scero, Jerry Moniker, D. Moniker, E. Corby, Colborne Brant, Rosean Brant, M. Brant, Jacob Scero, Kate Scero, Lizzie Scero, M. Grant, Simon D. Hill, John P. Scero, David S. Brant, David Joe Brant, Hugh Brant, Jacob F. Morocle, B. Hill, Peter Morocle, Jakie Morocle, Dick Hill, John Green, John Morocle, S. L. Fuller, and M. Scero, all Mohawks, together with such persons as may become members of the said The Council of Indian Tribes of Canada, are hereby constituted a body corporate under the name of "The Council of Indian Tribes of Canada," hereinafter called "the Association," for the following purposes and objects:—

Name.

Objects.

(*a*) To make and formulate a constitution and by-laws for the government of the Association;

(*b*) To unite fraternally all Indian persons entitled to membership under the constitution and laws to be adopted by the Association, and the word "laws" shall include general laws and by-laws;

(*c*) To give all material aid in its power to distressed members and those dependent upon it;

(*d*) To educate its members socially, morally and intellectually and to inculcate loyalty to the Crown and country;

(*e*) To encourage and compel the enforcement and observation of the principles of compulsory education as provided by the law respecting common schools in any province of the Dominion;

(*f*) To encourage the observance of temperance as pertains to the use of intoxicating liquors, and to discover offences, and to assist in the enforcement of the law in regard to the sale or other disposition of intoxicating liquors to Indians;

(*g*) To encourage hygienic principles, and the diffusion of scientific facts tending to improve the health and lower the rate of mortality amongst Indians;

(*h*) To promote increase in production on Indian lands as the result of Indian labour, by directing the labour of Indians and their finances to better and more scientific and extensive cultivation of the land;

(*i*) To enable the Association to establish a fund by assessment of its members for the relief of sick and distressed members, and for other legitimate expenses in maintaining the Association, and to distribute and apply such fund as may be provided by the by-laws of the Association;

(*j*) To secure for its members such other advantages as are from time to time designated by the constitutional laws of the Association.

Head office.

**2.** The head office of the Association shall be in Deseronto, in the province of Ontario, or such other place in Canada as is from time to time determined by the Association.

Branch or Reserve lodges.

**3.** Subject to the constitutional laws of the Association, Branch Lodges, under the name of Reserve Lodges, may from time to time be established under the title designated in the warrant constituting such lodges, and the said lodges, if established within Canada, shall be established in some Indian Reservation in the Dominion of Canada, but shall at all times be under the control and direction of the Association as by its constitution and laws from time to time it may determine: Provided, always, that the powers of such Branch Lodge shall not be in excess of those conferred on the Association by this Act.

Value of real estate.

**4.** The value of the real property which the Association may hold shall not exceed the sum of twenty thousand dollars, and in the case of Reserve Lodges not more than five thousand dollars, and the Association may by by-law determine the manner in which such real property shall

be held and conveyed, subject always to the laws of the province in which such real estate is situate.

Limited liability.

**5.** The property of each Reserve Lodge only shall be liable for the debts and engagements of such Lodge.

Constitution and by-laws to be deposited with Secretary of State and Superintendent of Indian Affairs.

**6.** Within three months from the coming into force of this Act, a certified copy of the constitution and laws of the Association shall be deposited in the office of the Secretary of State of Canada, and the Superintendent Genera of Indian Affairs, and copies of any future changes or amendments thereto shall be so deposited within three months from their adoption by the said Association, and in default, or otherwise failing to comply with any provision of this section, the Association shall incur a penalty of ten dollars for each day during which such default continues.

**119.**

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 119.

An Act to incorporate a Council for the Indian Tribes of Canada.

First reading, July 30, 1917.

MR. PORTER.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 120.

An Act to amend the Inspection and Sale Act.

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

**1.** The *Inspection and Sale Act*, chapter eighty-five of the Revised Statutes of Canada, 1906, is amended by adding thereto the following sections:—

"**358A.** Every can, carton, bottle, box, barrel, wrapper, package or receptacle of whatever description, (hereinafter called "the container"), containing human food or any other commodity sold or offered for sale in Canada, when such container is in its original unopened or unbroken form as it is usually delivered to consumers when sold or offered for sale in Canada, shall be plainly marked, stamped or branded Packages of food and commodities to be marked.

(*a*) with the initials of the Christian names, and the surname at full length, of the filler or person for whom such container is filled, or, where such container is filled by or for a co-partnership or an incorporated company, with the firm name of such co-partnership or with the corporate name of such company, and also with the address of the place of business of such person, co-partnership or company; and Name and address of filler.

(*b*) the name of the article or articles of food or other commodities in such container, and the net weight in Dominion standard avoirdupois weight, or the measures in Dominion standard capacity measure, or the numerical count of such food or other commodity; and Weight, measure or count of contents.

(*c*) the month and year when such container was filled or packed. Date of packing.

"**358B.** (1) Every person who sells, offers for sale, or has in his possession for sale, any container not marked, stamped or branded according to the requirements of this Penalty for not marking.

Act, shall be liable, on summary conviction, to a penalty of one dollar for each container not properly marked, and, in addition, to a penalty of twenty-five dollars for a first offence and one hundred dollars for each subsequent offence; and

False statement.

" (2) Every person who marks, brands or stamps any container with any untrue statement, shall, on summary conviction, in addition to the penalties prescribed in subsection one hereof, be imprisoned for a period not exceeding six months.

Exceptions.

" **358**C. The provisions of this Act shall not apply to any container containing,—

Articles for export.

(*a*) any article manufactured or packed for export; but the onus of proof that such article is manufactured or packed for export from Canada shall rest upon the owner or holder of such container; or

Articles weighed, etc. in presence of purchaser.

(*b*) to any article which is weighed, measured or counted into any container at time of sale, in the presence of the purchaser, or

Fresh fruit and vegetables.

(*c*) to fresh fruit or fresh vegetables.

Metric system may be used.

" **358**D. Nothing in this Act shall prevent the marking of containers according to the metric system.

Commencement of Act.

" **358**E. This Act shall come into force on the first day of January, one thousand nine hundred and eighteen."

**120.**

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 120.

An Act to amend the Inspection and Sale Act.

First reading, August 2, 1917.

SIR GEORGE FOSTER.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 121.

An Act to amend An Act in aid of Provincial Legislation prohibiting or restricting the sale or use of Intoxicating Liquors.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1916, c. 19.

**1.** Paragraph (*a*) of section three of chapter nineteen of the statutes of 1916, *An Act in aid of Provincial Legislation prohibiting or restricting the sale or use of Intoxicating Liquors*, is amended by inserting the words " for beverage purposes " after the word "liquor" in the second line thereof. Sec. 3, Par. (*a*) amended by inserting " for beverage purposes " after " liquor ".

**2.** The following section is inserted immediately after section three of the said Act:—

" **3A.** Any person who by himself, his clerk, servant or agent, and any person who as clerk, servant, agent, officer or employee of any other person, sends or attempts to send, through His Majesty's mails, to, from or in any province, any advertisement, letter or document with respect to the sale, purchase or furnishing of intoxicating liquor, the publication or circulation of which is prohibited by the law of such province, is guilty of an offence and liable on summary conviction to a penalty of not less than ten dollars and not exceeding one hundred dollars, or to imprisonment for a term not exceeding thirty days, or to both fine and imprisonment." Mails not to be used for circulating liquor advertisements, etc., in province where such advertisements are prohibited.

**3.** The following sections are inserted immediately after section four of the said Act:—

" **4A.** A prosecution for any offence under this Act may be brought and carried on and a conviction had in the city, town or other place from which any intoxicating liquor Places where prosecutions may be taken.

is unlawfully sent, shipped, taken or carried as aforesaid, or in the city, town or other place to or into which such intoxicating liquor is so sent, shipped, taken, brought, carried or imported, or in the place in which the accused resides.

Constable may seize liquor and may search for same.

"4B. When any constable or other peace officer has reason to believe that any intoxicating liquor is in any premises or place in violation of the provisions of this Act, he may enter and search such premises or place, including any Government railway, vehicle or steamship, and seize and remove any intoxicating liquor and the packages containing the same, which he may find, and which he has reason to believe is there in violation of this Act.

Operation of Canada Temperance Act may be suspended upon petition.

"4C. Upon the receipt by the Secretary of State of Canada of a petition, in accordance with the requirements of sections one hundred and eleven, one hundred and twelve and one hundred and thirteen of the *Canada Temperance Act*, Revised Statutes of Canada 1906, chapter one hundred and fifty-two, praying for the revocation of any order in council passed for bringing Part II of the *Canada Temperance Act* into force in any city or county, if the Governor in Council is of opinion that the laws of the province in which such city or county is situated, relating to the sale and traffic in intoxicating liquors, are as restrictive as the provisions of the said *Canada Temperance Act*, the Governor in Council may, without the polling of any votes, by order, to be published in the *Canada Gazette*, suspend the operation of the *Canada Temperance Act* in such city or county, such suspension to commence ten days after the date of the publication of such order and to continue as long as the provincial laws continue as restrictive as aforesaid.

Penalty for selling alcoholic beverages as medicines not to affect liability under provincial laws.

"4D. Any penalty incurred under the provisions of sections seven and twelve of *The Proprietary or Patent Medicine Act*, chapter fifty-six of the statutes of 1908, shall be deemed to be in addition to and not in substitution for any penalty incurred under the law of any province, and the provisions of the said section seven shall not be deemed to in any way affect any provincial law."

121.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 121.

An Act to amend An Act in aid of Provincial Legislation prohibiting or restricting the sale or use of Intoxicating Liquors.

First reading, August 7, 1917.

MR. DOHERTY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 122.

An Act respecting the Minister of the Overseas Military Forces, the Parliamentary Secretary of the Department of Militia and Defence, and the Parliamentary Under-Secretary of State for External Affairs.

WHEREAS by Orders of the Governor in Council made under the provisions of *The War Measures Act, 1914*, the offices of Minister of the Overseas Military Forces, Parliamentary Secretary of the Department of Militia and Defence, and Parliamentary Under-Secretary of State for External Affairs were created and appointments were made to the said offices; and whereas it is expedient to make provision by statute for the said offices; Now therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R.S. cc. 4, 10, 41; 1912, c. 22.

**1.** The *Militia Act*, Revised Statutes of Canada, 1906, chapter forty-one, is amended by inserting the following sections immediately after section five thereof:—

"5A. There shall be a Minister of the Overseas Military Forces, who shall be appointed by Commission under the Great Seal and shall be a Minister of the Crown. He shall hold office during pleasure, and shall be a member of the King's Privy Council for Canada. Appointment of Minister of Overseas Military Forces.

"2. The Minister of the Overseas Military Forces shall be charged with, and be responsible for, the administration of the military affairs of Canada overseas and such other duties as may be assigned to him by the Governor in Council. Duties.

"5B. The Governor in Council may appoint a Senator or a Member of the House of Commons to be Parliamentary Secretary of the Department of Militia and Defence, and such Parliamentary Secretary shall be a Minister of the Crown, and shall have and perform such powers and duties as the Minister may from time to time prescribe." Appointment of Parliamentary Secretary of Department of Militia.

**2.** *The Department of External Affairs Act,* statutes of 1912, chapter twenty-two, is amended by inserting the following section immediately after section three thereof:—

Appointment of Parliamentary Under-Secretary of State for External Affairs.

"**3A.** The Governor in Council may appoint a Senator or a Member of the House of Commons to be Parliamentary Under-Secretary of State for External Affairs, and such Parliamentary Under-Secretary shall be a Minister of the Crown, and shall have and perform such powers and duties as the Secretary of State for External Affairs may from time to time prescribe."

Salaries.

**3.** The *Salaries Act,* Revised Statutes of Canada, 1906, chapter four, is amended by adding the following at the end of subsection one of section four thereof:—

"The Minister of the Overseas Military Forces, $7,000.00 per annum."

2. The said Act is further amended by adding the following subsection to section five thereof:—

"2. The salaries of the Parliamentary Secretary of the Department of Militia and Defence and of the Under-Secretary of State for External Affairs shall be $5,000.00 each per annum."

Holders of certain offices not ineligible to be Members of or sit in House of Commons.

**4.** Nothing in the *Dominion Elections Act* or in the *Senate and House of Commons Act,* Revised Statutes of Canada, 1906, chapters six and ten respectively, or in any other statute or law, shall render ineligible any person accepting or holding either of the said offices of Minister of the Overseas Military Forces, Parliamentary Secretary of the Department of Militia and Defence, or Parliamentary Under-Secretary of State for External Affairs, as a Member of the House of Commons, or shall disqualify him for sitting or voting therein.

Salaries to be paid from first appointment.

**5.** The several persons holding the said offices shall each be paid out of the Consolidated Revenue Fund of Canada the several salaries prescribed by section one of this Act for the several periods during which they have, respectively, held the said offices, and the salaries for the said offices shall be paid from the following dates, that is to say:—

The Minister of the Overseas Military Forces, on and from the thirty-first day of October, one thousand nine hundred and sixteen;

The Parliamentary Secretary of the Department of Militia and Defence, on and from the nineteenth day of July, one thousand nine hundred and sixteen; and,

The Parliamentary Under-Secretary of State for External Affairs, on and from the twenty-first day of October, one thousand nine hundred and sixteen; and such payments

shall not render the persons receiving the same ineligible as Members of the House of Commons, or disqualify them for sitting or voting therein.

Continuance of Act.

**6.** This Act shall continue in force during the continuance of the present war and until the end of the session of Parliament held next after the end of the said war, or, if Parliament is sitting when the war ends, then until the end of such session of Parliament.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 122.

An Act respecting the Minister of the Overseas Military Forces, the Parliamentary Secretary of the Department of Militia and Defence, and the Parliamentary Under-Secretary of State for External Affairs.

First reading, August 7, 1917.

SIR ROBERT BORDEN.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 123.

An Act respecting Live Stock.

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 Live Stock and Produce Act. 1917.* Short title.

**2.** In this Act, and in any regulation made hereunder, unless the context otherwise requires,— Definitions.

(*a*) "Commission merchant" means any person or partnership in Canada engaged in the business of buying or selling live stock for a commission; "Commission Merchant."

(*b*) "Inspector" means any inspector or other officer or person authorized by the Minister to perform any duty under this Act or under any regulation; "Inspector".

(*c*) "Live Stock" means neat cattle, sheep and swine; "Live Stock".

(*d*) "Minister" means the Minister of Agriculture; "Minister".

(*e*) "Regulation" means a regulation made under the authority of this Act; "Regulation".

(*f*) "Stock Yard" means any area of land used as a public market for purchasing and selling live stock, with the buildings, fences, gates, chutes, weigh scales and other equipment situated thereon and used in connection therewith. "Stock Yard".

**3.** There shall be a live stock exchange in connection with each stock yard operated under this Act, of which live stock exchange every commission merchant doing business at such stock yard shall be a member, unless he holds a special license from the Minister. Live stock exchange at stock yards.

**4.** (1) A live stock exchange shall not be operated until the by-laws to regulate the management and business of such exchange have been duly approved by the Minister, and a written notification of such approval has been sent by the Minister to the secretary of such live stock exchange. By-laws of exchange to be approved.

Provisions to be included in by-laws.

(2) Such by-laws shall provide for the admission as members of such live stock exchange of such persons as desire to carry on the business of commission merchants, and who furnish evidence of integrity and financial standing satisfactory to the executive of the exchange, and such by-laws shall require every commission merchant becoming a member of the exchange to furnish sufficient and satisfactory security for the proper accounting by such commission merchant of the proceeds of any sales received by him, and of any money paid to him to effect any purchase.

Licenses for commission merchants operating at stock yards.

**5.** The Governor in Council may authorize the Minister to issue special licenses to permit any person therein named to operate on a stock yard as a commission merchant, and may prescribe the terms and conditions upon which such licenses shall be issued, and the fees to be paid therefor.

Equipment of stock yards.

**6.** Every stock yard shall be constructed and equipped in accordance with the regulations, and no stock yard shall be operated or used until it has been inspected and approved by the Minister or an inspector, and every stock yard shall, at all times, be open to inspection by the Minister or any inspector.

Tariff of fees. and by-laws must be approved before stock yard is used.

**7.** (1) The owner of every stock yard shall manage such stock yard in conformity with written by-laws, and shall submit such by-laws, and a schedule of the fees to be charged for live stock using such stock yard, to the Minister for his approval, and such by-laws shall not have any force, nor shall the owner of the stock yard use the same for marketing live stock, or be entitled to collect any fees or charges, until such by-laws and schedule of fees have been approved by the Minister.

Stock yard may be closed when not operated in accordance with regulations.

(2) Any stock yard not operated or maintained in conformity with the regulations may be closed by order of the Minister, but no such order shall issue until thirty days after written notice has been given to the owner or operator of such stock yard specifying the reasons for which it is proposed to issue such order; and the Minister shall consider any objection offered by such owner or occupier to the issue of a closing order.

How Act may be made applicable to stock yards now in existence.

**8.** The provisions of this Act shall not apply to any stock yard now in operation until the Minister has caused a written notice to be served on the owner, manager or other person in charge of such stock yard, notifying such person of the date from and after which this Act shall apply to such stock yard, but such date shall not be less than three months after the date of the service of such notice.

**9.** The Governor in Council may make regulations prescribing,— Regulations.

(*a*) the manner in which stock yards are to be constructed, equipped and maintained;

(*b*) the manner in which complaints against commission merchants and the operation, maintenance or management of stock yards shall be made and investigated;

(*c*) the manner in which live stock, meat, poultry, eggs and wool shall be graded and branded or marked, and what shall be the size of packages containing meat, eggs and poultry, the kind of package that may be used, and how such packages shall be branded, marked or labelled.

**10.** Any person violating any provision of this Act, or of any regulation, shall be liable on summary conviction to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment. Penalty.

**11.** Any person assaulting, obstructing or interfering with any officer in the performance of his duty under this Act, or refusing to allow any officer to enter any building or other premises, shall be liable on summary conviction to a fine not exceeding fifty dollars, or to imprisonment for any term not exceeding one month, or to both fine and imprisonment. Penalty for assaulting officer.

7th Session, 12th Parliament, 7-8 George V, 1917.

THE HOUSE OF COMMONS
OF CANADA.

# BILL 123.

An Act respecting Live Stock.

First reading, August 8, 1917.

MR. BURRELL.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 124.

An Act to amend the Criminal Code and the Canada Evidence Act.

1907, cc. 7, 8, 9, 45; 1908, cc. 10, 18; 1909, c. 9; 1910, cc. 10, 11, 12, 13; 1912, cc. 18, 19; 1913, c. 13; 1914, c. 24; 1915, c. 12.

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

Making evidence of wife admissible in prosecution for non-support.

**1.** Subsection two of section four of the *Canada Evidence Act*, chapter one hundred and forty-five of the Revised Statutes of Canada, 1906, is amended by inserting immediately after the words "thirty-nine" in the fifth line thereof the words "two hundred and forty-two A".

Penalty extended to foster parents.

**2.** Paragraph (*a*) of section two hundred and thirteen of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes of Canada, 1906, is repealed and the following is substituted therefor:—

"(*a*) who, being a step-parent or foster parent or guardian seduces or has illicit connection with his step-child or foster child or ward; or,"

Definition enlarged to include place where indecencies practised.

**3.** Section two hundred and twenty-five of the *Criminal Code*, as enacted by chapter eight of the statutes of 1907, is repealed and the following is substituted therefor:—

"**225.** A common bawdy house is a house, room, set of rooms or place of any kind kept for purposes of prostitution or for the practice of acts of indecency, or occupied or resorted to by one or more persons for such purposes."

Paragraph penalizing traders for not keeping books redrawn.

**4.** Paragraph (*c*) of section four hundred and seventeen of the *Criminal Code* is repealed and the following paragraph is substituted therefor:—

"(*c*) being a trader and indebted to an amount exceeding one thousand dollars, is unable to pay his creditors in full and has not kept such books of account as, according to the usual course of trade or business in which he may have been engaged, are necessary to exhibit or explain his transactions, unless he be able to account for his

losses to the satisfaction of the court or judge and to show that the absence of such books was not intended to defraud his creditors, but no person shall be prosecuted under the provisions of this paragraph by reason only of his having failed to keep such books of account at a period of more than five years before the date of such inability to pay his creditors."

Constables' fees revised.

**5.** Section seven hundred and seventy of the *Criminal Code* is amended by repealing the tariff of constables' fees and substituting therefor the following:—

"*Constables' Fees.*

| | | |
|---|---|---|
| 1. Arrest of each individual upon a warrant, or arresting without a warrant an individual who is subsequently convicted or committed for trial | $ 1 | 50 |
| 2. Serving summons or subpoena | 0 | 50 |
| 3. Mileage to serve summons, subpoena or to make an arrest, one way, per mile, 13 cents (if no public conveyance is available reasonable livery charges to be allowed). | | |
| 4. Mileage when service cannot be effected, upon proof of due diligence, one way | 0 | 13 |
| 5. Returning with prisoner after arrest to bring same before a Magistrate or Justice for preliminary hearing or trial where the Magistrate or Justice is not at place where warrant was handed constable, and where the journey is of necessity over a different route than that travelled to make the arrest, per mile, one way | 0 | 13 |
| 6. Taking prisoner to gaol on remand or committal, one way, per mile (Not payable if this is return journey from taking prisoner before the Justice double mileage not being chargeable). | 0 | 13 |
| 7. Attending Magistrate or Justices on summary trials, or on examination of prisoners charged with crime, for each day necessarily employed, only one day's fees on any number of cases | 2 | 00 |
| 8. Serving distress warrant, and returning same | 1 | 50 |
| 9. Advertising under distress warrant | 1 | 50 |

10. Travelling to make distress, or to search for goods to make distress, when no goods are found, one way, per mile ..... 0 13

11. Appraisements, whether by one appraiser or more—two cents in the dollar on the value of the goods.

12. Catalogue sale and commission, and delivery of goods—five cents in the dollar on the net produce of the goods."

**8.** This Act shall come into force ninety days after it is assented to by the Governor General. Commencement of Act.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 124.

An Act to amend the Criminal Code and the Canada Evidence Act.

First reading, August 9, 1917.

MR. DOHERTY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 125.

An Act providing for the acquisition by His Majesty of the capital stock of the Canadian Northern Railway Company.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1914, c. 20. 1915, c 4. 1916, c 29.

**1.** His Majesty may acquire the six hundred thousand shares of capital stock of the Canadian Northern Railway Company (par value sixty million dollars), not now held by the Minister of Finance in trust for His Majesty, on such terms and conditions satisfactory to the Governor in Council as may be set out in an Agreement to be made between His Majesty and the owners and pledgees of not less than five-sixths thereof, and for a price to be determined by arbitration as hereinafter provided. Acquisition of shares of C. N. Ry. authorized.

**2.** (1) Upon the making of said agreement, at least five-sixths of the said six hundred thousand shares shall be transferred to the Minister of Finance in trust for His Majesty, and if there be any of the said six hundred thousand shares not transferred as aforesaid, the Governor in Council may declare the said shares to be the property of the Minister of Finance in trust for His Majesty, and the same shall thereupon become the property of His Majesty and shall be paid for *pro rata* with the shares so transferred. Transfer of shares.

(2) The necessary qualification shares for directors may be transferred to or allowed to remain in their names by the Minister of Finance on such conditions as he may determine. Share qualification of directors.

**3.** (1) So soon as the said five-sixths of the said shares have been transferred as aforesaid, the Governor in Council may assist the Canadian Northern Railway Company, or any Company included in the Canadian Northern Railway After transfer C. N. Ry. Co. may be assisted.

System, in paying and settling any indebtedness of such Company or postponing the payment thereof on such terms as may be agreed upon, and for such purposes may make advances out of the Consolidated Revenue Fund, may guarantee payment in whole or in part, and may give the obligations or securities of the Government in connection therewith.

Companies to make such agreements, etc., in connection with payments as are required by Minister.

(2) The Canadian Northern Railway Company, and each Company included in the Canadian Northern Railway System, shall from time to time do such acts and things, make and issue such agreements, obligations and securities in connection with the payment or settlement or postponement of payment of the said indebtedness as the Minister of Finance may require.

Arbitrators, appointment of.

**4.** (1) The Governor in Council shall appoint one arbitrator, a majority of the said owners and pledges shall appoint another, and the two so appointed shall appoint a third, or failing agreement as to such appointment, the third arbitrator shall be appointed by the Judge of the Exchequer Court of Canada.

How shares to be valued.

(2) The said arbitrators shall determine the value of the said six hundred thousand shares as of the date of the said agreement, and the said arbitrators shall proceed in a summary way and may apply their own judgment in determining such value, and may receive with respect thereto such reports and statements authenticated in such way as they may decide and such evidence as they may deem necessary or helpful, examine witnesses under oath and hear parties by counsel or representatives, and the unanimous determination of the arbitrators shall be final; but should the determination not be unanimous, an appeal from such determination shall lie to the Supreme Court of Canada on behalf of His Majesty, or of the owners or pledgees, upon any question of law or fact, but no such appeal shall lie unless notice of appeal is given within thirty days from the rendering of the determination.

Appeal.

Payments out of Con. Rev. Fund.

(3) The amount of the value so determined shall be paid out of the Consolidated Revenue Fund, or otherwise secured in accordance with the terms of the said agreement.

125.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

BILL 125.

An Act providing for the acquisition by His Majesty of the capital stock of the Canadian Northern Railway Company.

First reading, August 9, 1917.

SIR THOMAS WHITE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917

7th Session, 12th Parliament, 7-8 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 127.

## AS PASSED BY THE HOUSE OF COMMONS, 31st AUGUST, 1917.

## The Military Voters' Act, 1917.

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

**1.** The *Dominion Elections Act*, chapter six of the Revised Statutes of Canada, 1906, is amended by adding thereto as Part IV thereof the following provisions and forms:—

"PART IV.

"**1.** This Part of this Act shall apply only to a general election held during the present war or after the conclusion of peace but before complete demobilization. Application.

"**2.** In this Part, unless by the context a contrary intention is made to appear, the expression,— Definitions.

(*a*) "Box" or "ballot-box" includes bag or other receptacle made of durable material with one lock and key and a slit or narrow opening in the top, and so constructed that ballot papers enclosed in envelopes may be introduced therein but cannot be withdrawn therefrom without unlocking it; "Box." "Ballot-box."

(*b*) "Camp" means and includes base, barracks, rest station, ship, dockyard, hospital or other place whereat or whereon any military or naval unit or other body of military electors, as defined by this Part, is assembled under a commanding officer for the performance of any military or naval duty, or for rest, cure, exercise, or training; "Camp."

(*c*) "Military elector" means and includes every person, male or female, who, being a British subject, whether or not ordinarily resident in Canada and whether or not an Indian, has been, while within or without Canada, appointed, enlisted, enrolled or called out for and placed on active service as one of the "Military elector."

Canadian Expeditionary Force, the Royal Canadian Navy, the Canadian Militia on active service, or the Royal Naval Canadian Volunteer Reserve, or has been, while within Canada, appointed, enlisted or enrolled as one of the British Royal Flying Corps, Royal Naval Aviation Service, or Auxiliary Motor Boat Patrol Service, whether as officer, soldier, sailor, dentist, nurse, aviator, mechanician or otherwise, and who remains one of any such forces or services or has been honourably discharged therefrom, and every person, male or female, who, being a British subject ordinarily resident in Canada, whether or not a minor or an Indian, is on active service in Europe in any other of the forces or services, military or naval, of His Majesty or of His allies.

Voting by military electors.

" **3.** (1) Every military elector shall be qualified and entitled to vote at a general election.

(2) If he can state the electoral district wherein he last continuously resided during at least four months of the twelve months immediately preceding his appointment, enlistment, enrolment or calling out on active service, or so particularly specify a place or places within an electoral district whereat during such period of time he so resided that such electoral district can therefrom be ascertained, he shall be deemed an elector of the electoral district so stated or to be ascertained, and his vote shall be applied thereto.

(3) If he cannot state or so specify an electoral district or place wherein he has so resided for the time and within the period mentioned in subsection two but can state an electoral district or so specify a place within Canada wherein he has at any other time resided, he shall be deemed an elector of the electoral district so stated or made ascertainable and his vote shall be applied thereto.

(4) If he cannot, because of non-residence or otherwise, so state or specify, he shall be deemed an elector of, and his vote shall be applied to, such electoral district as he may indicate.

(5) No person shall be entitled, because of anything in this Part contained, to vote more than once at any election.

Election Officers, etc.

" **4.** (1) The Governor General in Council shall appoint, whenever necessary for the execution of the purposes of this Part, the following mentioned officers and functionaries:—

Assistant Clerk of the Crown in Chancery.

(*a*) An Assistant Clerk of the Crown in Chancery, who shall have and perform within the United Kingdom and on the continent of Europe all the powers and

duties of the Clerk of the Crown in Chancery. He shall be nominated for appointment by the Speaker of the House of Commons of Canada. Upon completion of performance of his duties at any election his tenure of office shall cease;

General Returning Officer.

(*b*) A General Returning Officer, who shall have and perform, within the city of Ottawa, the powers and duties assigned to him by this Part as returning officer for all polls held under this Part or otherwise. Upon completion of such performance his tenure of office shall cease. He shall appoint and employ a Chief Election Clerk and such other clerical assistants as may be necessary for the proper performance of his duties;

Special Returning Officers.

(*c*) A sufficient even number of Special Returning Officers, and the same number of clerks, of whom one clerk shall be assigned to each Special Returning Officer to assist him in the performance of his duties. Such officers and clerks shall perform, at the places to which they respectively may be assigned upon appointment, the duties of counting, recording and returning the votes polled under this Part. One-half of the number of such officers and clerks shall be nominated by the Prime Minister, and the other half by the Leader of the Opposition, and no clerk shall be appointed for, assigned to, or serve any such officer when the two are nominees of the same party leader;

Presiding Officers.

(*d*) A sufficient number of Presiding Officers, who shall be military electors. They shall have and may exercise over designated camps and other places, subject to the provisions of this Part, the like powers, privileges, and functions as returning officers, particularly the power to appoint and direct sufficient Deputy Presiding Officers and Poll Clerks, who also shall be military electors. Deputy Presiding Officers shall have and may exercise in the camps or other places to which by Presiding Officers they may be assigned, subject to the provisions of this Part, the like powers, privileges and functions as deputy returning officers;

Scrutineers.

(*e*) Six Scrutineers, three to be appointed on the nomination of the Prime Minister, and three on that of the leader of the Opposition. The appointment shall state the respective addresses at which notices given under this Part may be served. One of each nomination may be present on each occasion of the opening of ballot-boxes, and at the examination, application and counting of ballots, and every scrutineer shall have and may exercise all the rights of a candidate or his representative at any poll. Any scrutineer may, by

writing, appoint any necessary deputies, who shall have and may exercise the powers hereby conferred on scrutineers. Every Presiding Officer shall notify in writing, by mail or other expeditious means, the scrutineer of each party whose place of address may be nearest to him, of the names of all Deputy Presiding Officers appointed by him.

Payment of election officers.

(2) Such officers and functionaries and their deputies clerks and assistants, except scrutineers and deputy-scrutineers, may be paid and reimbursed as the Governor General in Council may provide, authorize or allow; scrutineers may be paid their actual travelling and living expenses only, at a rate to be fixed by the Governor General in Council; deputy scrutineers shall not be paid or reimbursed out of the funds of Canada any sums whatever.

Oaths.

(3) Before in any manner acting under this Part, the Assistant Clerk of the Crown in Chancery, General Returning Officer, his Chief Election Clerk, and every Presiding Officer, Special Returning Officer, Deputy Presiding Officer, Poll Clerk, and Clerk of a Special Returning Officer, shall be sworn to the faithful performance of his duties.

Before whom sworn.

(4) The Assistant Clerk of the Crown in Chancery, the General Returning Officer and his Chief Election Clerk, shall be sworn before a judge of a court of record; Presiding Officers, Special Returning Officers and Clerks of Special Returning Officers, before the Assistant Clerk of the Crown in Chancery, a regimental or battalion commanding officer, or officer in charge of an independent unit, notary public or official authorized to administer oaths under the laws of the country where such duties are to be performed; Deputy Presiding Officers before a Presiding Officer or any of the officers or functionaries hereinbefore named; and Poll Clerks before a Deputy Presiding Officer.

Ballots and Custody.

" **5.** (1) Whenever the Secretary of State of Canada shall so direct, a sufficient supply of ballot-papers in the form A of the Schedule, and of envelopes for holding the same, with certificates in the form B of the Schedule printed thereon, and of all such forms and instructions as are ordinarily supplied to returning officers, modified to conform to the provisions of this Part, shall be delivered, (*a*) by the Clerk of the Crown in Chancery to the officer in command of any Canadian forces in Bermuda, or in any other place without Canada but in North America, and to such Presiding Officers as shall have been appointed to arrange for the holding of polls in Canada; and, (*b*) by the Assistant Clerk of the Crown in Chancery to such Presiding Officers as shall have been appointed to arrange for the holding of polls in the United Kingdom or on the continent of Europe.

(2) Such ballot-papers and envelopes shall be safely held by such officers in command, respectively, until receipt from the Clerk of the Crown in Chancery of notice of the appointment of Presiding Officers for the camps under such officers' command, whereupon they shall deliver such ballots and envelopes to such Presiding Officers in such quantities as may be necessary, and return any surplus, with a statement in writing of the disposition of all thereof, showing names and quantities, to the General Returning Officer at Ottawa.

(3) The printer shall, upon delivering the ballot papers to the Assistant Clerk of the Crown in Chancery, file in his hands an affidavit setting forth the description of the ballots as printed by him, the number of ballots supplied by him, and the fact that no other ballot papers have been supplied by him to any one else.

Information as to candidates.

"**6.** At the expiration of the time for nominating candidates the returning officer for each electoral district shall inform the Clerk of the Crown in Chancery by telegraph, or other expeditious means, of the names, addresses and descriptions of the several candidates who have been nominated. The Clerk of the Crown in Chancery shall thereupon transmit by telegraph to, (*a*) every officer in command of Canadian forces in Bermuda, or in any other place without Canada but in North America, (*b*) the Assistant Clerk of the Crown in Chancery, and, (*c*) every Presiding Officer appointed to arrange for the holding of polls within Canada under this Part, a list of the electoral districts wherein a poll of the electors is necessary, and the names, addresses and descriptions of the candidates. Such officers in command and Assistant Clerk of the Crown in Chancery, respectively, shall transmit to all Presiding Officers, of whose appointments they respectively have been notified, true copies of such list. Presiding Officers shall cause placards containing this information to be posted upon the bulletin boards of each battalion in all camps where the same may be possible and shall use all other reasonably available means to bring such information to the knowledge of the military electors.

Nomination and polling days.

"**7.** Notwithstanding sections eighty-nine and ninety of Part III, all nominations of candidates for all electoral districts except the Yukon Territory shall be fixed for and made on one and the same day, and notwithstanding section one hundred and thirty-one of the said Part, the day for holding the poll within Canada, whether under this Part or otherwise, in or for all electoral districts, shall be the twenty-eighth day next after that fixed for the nomination of candidates.

Conduct of polls.

"**8.** (1) Polls shall be held in such camps or other places, in Canada or elsewhere, as shall be assigned to the charge of Presiding Officers for the purposes of this Part. Those held without Canada shall be maintained open during such sufficient number of days and during such hours as military exigencies will permit, but so that no polling shall commence before the day following that of the nomination of candidates nor continue after eight o'clock in the evening of the day for holding the poll within Canada.

Facilities at camps.

(2) The Canadian Military and Naval authorities at every camp or other place where any poll is held shall afford to the attending Deputy Presiding Officer, officials and scrutineers, all necessary facilities, and the officer commanding shall allow every military elector, so far as may be consistent with the proper performance of his military duties, time and opportunity to vote, and subject to the same conditions, to every military elector who may be appointed a deputy scrutineer, time and opportunity to perform his duties as such.

Notice.

(3) In Canada, and, where conditions make it reasonably possible, without Canada, the Deputy Presiding Officer shall give public notice of the time and place of an intended poll, and, in cases of polls to be held without Canada, a special notice to any person whose appointment as a scrutineer or deputy scrutineer has been communicated to him, with the request that he so notify.

Agents.

(4) The Deputy Presiding Officer shall permit any scrutineer or deputy scrutineer, or, in the absence of both, any one military elector, to be present at any poll, and to act thereat as agent on behalf of any party, with the powers of an agent of a candidate at a poll held under Part III. Every scrutineer, deputy scrutineer and military elector so acting, shall, on being admitted to the poll, take before the Deputy Presiding Officer the oath in form U in schedule one to this Act.

Immediate voting.

(5) In any case where, for any reason, unless the vote of a military elector is immediately taken, it is likely that he may not subsequently be able to vote, the Deputy Presiding Officer may take such vote otherwise than at a formally held poll, but such vote shall be so taken in the presence of the deputy scrutineers, or failing either or both, of a military elector or two military electors, who shall, together with the Deputy Presiding Officer, sign upon the envelope in which the ballot is inserted a certificate that the vote was taken under this subsection and the reasons which made it necessary.

**9.** (1) The manner of voting without Canada under this Part shall be as follows:— Manner of voting without Canada.

(*a*) Voting shall be by ballot;

(*b*) The ballot-paper shall be in the form A in the Schedule;

(*c*) The voter shall answer under oath, before the Deputy Presiding Officer, the questions set forth in the certificate which is form B in the Schedule. Such certificate shall be endorsed on the envelopes referred to in section five of this Part;

(*d*) The Deputy Presiding Officer shall sign such certificate and deliver the envelope on which it appears, with a ballot-paper, to the voter, who may mark the ballot paper in accordance with the directions thereon as a vote for the Government, the Opposition, or any Independent candidate or candidates, or Labour candidate or candidates or for any candidate or candidates (if more than one candidate is to be elected) designated by name for whom he desires to vote;

(*e*) The ballot-paper shall be marked in the presence of the Deputy Presiding Officer and deputy scrutineers present, or military electors acting in their stead, but in such manner as not to disclose to them or to any other person any marking thereon. The voter shall fold the ballot, place it in the envelope, securely close the same and hand it to the Deputy Presiding Officer, who shall then and there, in the presence of the voter and deputy scrutineers present, or military electors acting in their stead, place it in the ballot-box;

(*f*) To comply with this section as respects his own vote, the Deputy Presiding Officer may make the necessary oath and himself certify as aforesaid;

(*g*) Every Deputy Presiding Officer who is satisfied that any voter is incapacitated by blindness or other cause from voting in the manner prescribed, shall, upon request of such voter, and in the presence of the deputy scrutineers present, or military electors acting in their stead, mark his ballot-paper in the manner directed by him and place it in the proper envelope, and deposit such envelope in the ballot-box;

(*h*) A voter who has inadvertently dealt with a ballot-paper or envelope in such manner that it cannot conveniently be used, shall return it to the Deputy Presiding Officer, who shall deface it and deliver another in its place.

(2) The manner of voting within Canada under this Part shall be the same as that without Canada, except in the following respects:— Manner of voting within Canada.

(*a*) The ballot-paper shall have a counterfoil, and after the Deputy Presiding Officer shall have signed the certificate on the envelope, he shall retain the envelope and hand to the voter a ballot-paper on the back of which such Deputy Presiding Officer shall have previously put his initials, so placed that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he shall have placed a number corresponding to one placed on the envelope;

(*b*) The voter, on receiving the ballot-paper, shall forthwith proceed into a compartment so arranged that he may be screened from observation, and shall there mark his ballot-paper, fold it so that the initials on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the Deputy Presiding Officer, who shall, without unfolding it, ascertain by examining his initials and the number on the counterfoil, that it is the same paper as that furnished by him to the voter, and shall then, in the presence of the voter, remove and destroy the counterfoil, place the ballot in the proper envelope and deposit it in the ballot-box.

Votes of civilian officials appointed under this Act.

"**10.** (1) Any of the officers or functionaries mentioned in section four of this Part, (including scrutineers and deputy scrutineers), who is not a military elector, may vote in manner provided by this Part at any poll whereat he may demand to vote, upon making oath before the Deputy Presiding Officer that he has not previously voted at the election and is a duly qualified elector of an electoral district which he shall name. In such case the Deputy Presiding Officer shall endorse upon the envelope a certificate in form C of the Schedule, and shall sign the same, whereupon such endorsement shall be deemed to fulfil all the requirements of this Part.

Military elector resident in Canada.

(2) Notwithstanding anything in this Part contained, a military elector who is resident within Canada, and is no longer in active service, shall vote in manner specified in Part III, as an elector of the electoral district wherein he is resident at the time of polling. He shall be deemed qualified to so vote upon making oath before a deputy returning officer presiding at a poll held within the polling division wherein such voter resides, in the terms of the form D in the Schedule, and exhibiting to such officer his certificate of discharge from active service. The deputy returning officer shall cause such voter's name to be entered in the poll book with the addition of the words "military elector."

"**11.** (1) The ballot-boxes for use in the United Kingdom and on the continent of Europe shall be provided by the Assistant Clerk of the Crown in Chancery to the Presiding Officers, who shall deliver the same, locked, to the various deputy presiding officers, retaining the keys, and forthwith after delivery of any ballot-box despatching the key thereof to the ultimate destination of the ballot-box as hereafter in this section indicated, whereat any ballots to be contained in such box are to be counted. The Deputy Presiding Officer may use the same ballot-box, if it be sufficient, at all polls committed to him to be held, until it has become filled, and upon the conclusion of his last poll, or whenever he shall decide to discontinue the depositing of ballots in any box, he shall seal it in such manner as to make evident any tampering therewith, plainly mark it with the words "Military Votes", and send it by registered post or other safe and expeditious means, addressed, (*a*) if the votes therein have been polled within the United Kingdom, to the Secretary of the High Commissioner's office of Canada, at London, England; (*b*) if they have been polled on the continent of Europe, to the Commissaire Général du Canada in France; and, (*c*) if they have been polled elsewhere, to the General Returning Officer at Ottawa. He shall enclose within every box so sent a statement of the number of votes contained therein, and, within the box containing the ballots taken at the last poll which he is to hold, all other documents which have served at the election.

Forwarding the ballots.

(2) When posted in Canada, the ballot-boxes shall be carried free in the Canadian mails as registered matter.

"**12.** (1) The Secretary of the High Commissioner's Office, the Commissaire Général du Canada in France, and the General Returning Officer, respectively, shall make a record of all boxes received by them, endorsing on each thereof the date and hour of its receipt, and keep such boxes sealed and unopened until the times which they shall fix in written notices, to be given from time to time to Special Returning Officers and scrutineers of the times when and places where such boxes as have been received will be opened for the purpose of counting the ballots. The day fixed in any such notice shall be not less than two nor more than thirty-one days next after that fixed for polling in Canada.

Custody and count of ballots.

(2) At the respective times and places so fixed, the Secretary of the High Commissioner's Office, the Commissaire Général du Canada in France, and the General Returning Officer, respectively, shall deliver to such Special Returning Officers as are present, such boxes, sealed and unopened, whereupon they shall, without opening the

Delivery of boxes to Special Returning Officers, sorting envelopes, and entry of names, etc., in separate poll-books.

envelopes found therein, sort such envelopes by electoral districts, and enter in separate poll-books for each electoral district the name, rank and number, if any shown, of each voter, and the name of the Deputy Presiding Officer, as such information appears endorsed on such envelopes, and, opposite each name of a voter, the signature of the Clerk who has entered such name in the poll-book. In case the endorsement upon any envelope does not indicate the electoral district to which the ballot therein ought to be applied, but does so indicate the place of residence of the voter that, on reference to charts of electoral districts and instructions as to the bounds, area and street contents of electoral districts, which the Clerk or Assistant Clerk of the Crown in Chancery shall supply, the electoral district to which such ballot ought to be applied can be ascertained, the name of such electoral district, so ascertained, shall be written on the envelope and identified by the signature of a Special Returning Officer and his Clerk, and such envelope shall be allocated, and any properly marked ballot therein shall be applied, to such electoral district.

Allocation of ballot to electoral district.

Opening of envelopes, and deposit of ballots in boxes.

(3) When the envelopes have been sorted and the poll books written up, as respects all envelopes whereon the certificate, or marking pursuant to the immediately preceding provision, appears to be made in accordance with this Part, the Special Returning Officers shall place in heaps, with the certificates thereon downwards, such envelopes as they are prepared to open, and, maintaining them in that position, shall, each in presence of his clerk, open them, one electoral district at a time, and deposit the ballots in boxes plainly marked with the name of the electoral district to which the envelopes relate, and of which boxes the Secretary of the High Commissioner's Office, the Commissaire Général du Canada in France, or the General Returning Officer, as the case may be, shall hold the only keys.

Time and method of opening boxes, counting ballots, and recording statements.

(4) No such box shall be opened or any ballots counted until ten o'clock of the morning of the thirty-first day next after that fixed for polling in Canada. The Secretary of the High Commissioner's Office, the Commissaire Général du Canada in France, and the General Returning Officer, respectively, shall then deliver the keys of all such boxes to the Special Returning Officers, who shall, in the presence of such scrutineers as may attend, open the same, count the ballots, and record in the respective poll-books relating to the respective electoral districts a statement, (*a*) of the number of votes cast for each party or candidate, (*b*) the names of the respective candidates for whom the votes cast for a party have been counted, (*c*) the total vote for each candidate after application to him by name of the votes cast for his party, and, (*d*) the number of rejected

ballots. Such statements shall be signed by the Special Returning Officer and Clerk who have counted the ballots, and they shall make a signed duplicate thereof and forthwith deliver it to the Secretary of the High Commissioner's Office, the Commissaire Général du Canada in France, or the General Returning Officer, as the case may be. Copies of such statements shall be delivered to the scrutineers in attendance.

Vote for a party counted as vote for a recognized candidate.

(5) A vote for a party shall be counted as a vote for the candidate or candidates who has or have been recognized, in the manner hereinafter prescribed, as the candidate or candidates representing that party in the electoral district to which the vote has been applied. Such recognition shall be made in the case of the Government party by the Prime Minister, in the case of the Opposition party by the Leader of the Opposition, and in the case of any Independent or Labour party by the recognized leader of such party. Within five days after the day of nomination, the Prime Minister, the Leader of the Opposition, and the recognized leader of any Independent or Labour party, shall severally notify the Clerk of the Crown in Chancery of the names of the candidates recognized by them, and such notification shall forthwith be published in the *Canada Gazette* and communicated to the Assistant Clerk of the Crown in Chancery. If a military elector votes for a party, and there is no candidate recognized as aforesaid as representing that party, his ballot shall be rejected, and the reason for the rejection shall be written and signed by the Special Returning Officer and his Clerk on the back thereof.

Recognition and publication of names of recognized candidates.

Vote for person by name accepted if he is a candidate.

(6) A vote for a person by name shall be counted for such person if he is a candidate in the electoral district to which, in accordance with the endorsement or marking on the envelope, such ballot has been applied, but if otherwise, it shall be rejected, and the reason for the rejection shall be written and signed thereon as in the immediately preceding paragraph provided. Where any ballot-paper bears on its face a vote for a candidate by name and is also marked as a vote for a party other than that of which such named person is a candidate, such ballot shall be counted as a vote for the candidate named thereon.

Ballot not rejected for uncertainty if intention of voter can be seen on mere inspection.

(7) No ballot shall be rejected for uncertainty as to the party or the candidate intended to be voted for by reason only of the misplacing of any mark, or the misspelling of any name, or because of any omission of or addition to the Christian name, or the omission or addition of any prefix to any name thereon, if, notwithstanding, it is possible to ascertain by mere inspection of such ballot-paper, the party or the candidate for which or whom the voter intended

to vote; nor shall any ballot be rejected as containing a possible identifying mark unless the mark is obviously intended as such.

Ballot-box not received on time, or appearing to be opened, defective certificate, or envelope appearing to be opened.

(8) If any ballot-box is received by the Secretary of the High Commissioner's Office, the Commissaire Général du Canada in France, or the General Returning Officer, after ten o'clock in the morning of the thirty-first day next after that fixed for polling in Canada, or if any box appears to have been opened, its contents shall not be examined, and in the case of an envelope contained in a box duly received and opened, if the certificate required on the envelope is not made substantially in accordance with the provisions of this Part, or if the envelope appears to have been opened, its contents sha l not be examined, but such box or envelope shall be put before the Secretary of the High Commissioner's Office of Canada, the Commissaire Général du Canada in France, or the General Returning Officer, as the case may be, who shall endorse thereon the reason why the same has not been examined.

Statement of votes sent by telegraph and registered post.

(9) Upon receipt of the statement mentioned in subsection four of this section, of the votes applicable to each candidate in an electoral district, the Secretary of the High Commissioner's Office and the Commissaire Général du Canada in France, respectively, shall communicate the text thereof by telegraph, and such document itself by registered post, to the General Returning Officer.

Ballots, after counting, to be sent by Commissioners to General Returning Officer at Ottawa.

(10) At the conclusion of the counting of the ballots, the Special Returning Officers shall collect and enclose within separate parcels, (*a*) the used and accepted ballots, (*b*) the used but rejec ed ballots, (*c*) the envelopes in which the used ballots had been contained, (*d*) the poll-books, and, (*e*) any other documents which have served at the election, securely seal and endorse each parcel so as to indicate its contents and the name of the electoral district to which it relates, and deliver the whole to the Secretary of the High Commissioner's Office, the Commissaire Général du Canada in France, or the General Returning Officer, as the case may be. The Secretary of the High Commissioner's office and the Commissaire Général du Canada in France, respectively, after the elapse of the time mentioned in section fifteen, subsection hree, shall forward all such documents to the General Returning Officer at Ottawa, who shall further deal with them as in and by section two hundred and fourteen of Part III provided.

(11) Notwithstanding the provisions of subsection four of this section, the Secretary of the High Commissioner's Office and the Commissaire Général du Canada in France, and the General Returning Officer respectively, shall in the

event of all the ballot-boxes issued to Deputy Presiding Officers in the United Kingdom, on the continent of Europe and in North America respectively, being received by them respectively, and the proceedings under subsections one, two and three of this section completed, before the thirty-first day next after polling day in Canada, fix an earlier day whereof two days' notice shall be given to the scrutineers entitled to attend on the counting of the ballots, and on such earlier day the Special Returning Officers shall proceed to the counting of the ballots in the manner in this section provided.

Duty of every returning officer under Part III to send certificate, ballots, etc., to General Returning Officer.

"**13.** Notwithstanding anything contained in Part III, every returning officer appointed and acting under that Part in respect of an electoral district wherein a poll is held, as soon as he has made the final addition of the votes polled pursuant to that Part, shall, without declaring any candidate elected and without making the return required by section two hundred and eleven of that Part, make, sign and seal a certificate stating the number of votes given for each candidate, as determined by such final addition, and the report required by section two hundred and thirteen of Part III, and after the sixth day after he has made such final addition, transmit to the General Returning Officer the writ of election together with such certificate and report, the stamp furnished him for stamping the ballot-papers, and all the ballot-papers, including those unused, the original statements of the several deputy returning officers the lists of voters, the poll-books used in the several polling divisions, and all other lists and documents furnished for the election, or which have been transmitted to him by the deputy returning officers. Such action on the part of the returning officer shall be deemed to be the return on his part of the writ required by the provisions of Part III, and thereafter such returning officer shall have no further duty to perform in connection with the election, but the General Returning Officer shall be substituted for him and shall act in his place and stead as returning officer in respect of the said election, except that in case of necessity for the giving of a casting vote in any case within the provisions of section one hundred and eighty-five of Part III, the General Returning Officer shall communicate to such returning officer by telegraph the fact of such necessity, whereupon such returning officer shall by telegraph announce to the General Returning Officer his vote, and confirm it by letter, and the General Returning Officer shall record such casting vote as directed, and when making return shall return accordingly.

General Returning Officer substituted for returning officer.

Casting vote.

Declaration of election by General Returning Officer.

"**14** Upon receipt of any telegram from the Secretary of the High Commissioner's Office, or the Commissaire Général du Canada in France stating the number of votes given for the several candidates in any electoral district, the General Returning Officer shall cause the information therein contained to be made available to any person applying therefor. Upon receipt from the Secretary of the High Commissioner's Office, the Commissaire Général du Canada in France, and the Special Returning Officers in Canada, of the statements referred to in section twelve, subsection four, of this Part, the General Returning Officer shall add the number of votes given for or applicable to the respective candidates in each electoral district, as disclosed by such statements, to the votes given for the candidates as shown by the certificate of the returning officer made pursuant to section thirteen of this Part, and shall openly proclaim and shall return pursuant to the provisions of section two hundred and eleven of Part III, as being duly elected a member or members to represent such electoral district in the Commons of Canada, the candidate or candidates found to have the greatest number of votes, and shall, if requested to do so, give to each candidate so elected a certificate stating the fact of his election.

Final addition and recount by judge under this Part.

"**15.** (1) The provisions of Part III relating to the final addition and recounting of votes by a judge, so far as the same are not inconsistent with this Part, and substituting where necessary for the words "deputy returning officer" the words "Special Returning Officer", and for the words "Returning Officer" the words "Secretary of the High Commissioner's Office, Commissaire Général du Canada in France, or General Returning Officer, as the case may be", and for the word "Judge" the words "recounting authority", shall extend to all votes polled under this Part, but such final addition or recount proceedings as shall relate to any votes polled within the United Kingdom or on the continent of Europe shall be instituted and had at London, England, before a person who may be designated for the purpose by a Judge of the High Court of Justice of England. Such proceedings shall be initiated by an application to the High Commissioner or Acting High Commissioner of Canada at London that he secure the appointment of a recounting authority. Such application shall be made within four days after a time which shall be fixed by the Governor General, and published in the *Canada Gazette*, and in the *London Times*.

Final addition and recount in London of votes polled in United Kingdom or Europe.

Extension of time.

(2) The judge or recounting authority, within or without Canada, is empowered to extend for such reasonable periods as may be necessary, the times limited by Part III for

taking any step in final addition or recount proceedings affecting any votes polled under this Part, and the recounting authority shall have power to determine with whom the prescribed deposit shall be made.

Ballots to be retained as prescribed and produced on recount.

(3) The Secretary of the High Commissioner's Office, the Commissaire Général du Canada in France, and the General Returning Officer, shall retain in their possession all ballots which have come into such possession until the four-day limit, (mentioned in this section), for instituting recount proceedings has passed, and shall on written notice from the recounting authority, received in time, produce at the hour and place appointed for any final addition or recount proceedings, the ballots which relate thereto.

Result of recount in London sent by telegraph and registered mail.

(4) The recounting authority in England shall certify the result of the final addition or recount to the High Commissioner or Acting High Commissioner of Canada at London, who shall forthwith report by telegraph the text, and transmit by registered mail the original, of said certificate, to the General Returning Officer at Ottawa. Said certificate shall have the same force and effect with relation to the votes finally added or recounted in England as if the proceedings had been instituted, conducted and concluded under Part III.

Emergency poll.

"**16.** In case any military electors shall, at the time of or subsequent to the issue of the writs for a general election, be under orders to leave Canada prior to the day for holding the poll within Canada, the Governor General in Council may make provision for the polling of their votes, in the manner by this Part provided, on a day prior to their departure, and may modify the provisions of this Part relating to time or procedure in so far as may be necessary to render such polling possible.

Offences and penalties.

"**17.** (1) Any person who wilfully and without lawful cause signs the name of any other person to any telegraphic message, with intent to procure such message to be sent as a message from such other person in respect of any matter provided for in this Part, or causes any delay in the transmission or delivery to the Secretary of the High Commissioner's Office, or the Commissaire Général du Canada in France, or to the General Returning Officer, of any envelope endorsed in accordance with the provisions of this Part, or opens any such envelope, or attempts to obtain or communicate any information as to the party or person for whom or the manner in which any vote is given in any particular ballot-paper used under the provisions of this Part, or prevents or endeavours to prevent any military elector from voting, or makes any untrue statement

as to his name or corps for insertion in a certificate, or signs a certificate containing any untrue statement, or falsely represents to any election officer that any certificate was issued to him, shall be liable upon summary conviction to a fine not exceeding two hundred dollars and costs, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Personation.

(2) Any person who knowingly applies for a ballot-paper or certificate under this Part to which he is not entitled, and any person knowingly signing such certificate or signing any untrue certificate, shall be guilty of personation and liable to the penalty prescribed by section two hundred and seventy-two of Part III of this Act.

Validatiy of election as affected by non-compliance.

" **18.** The validity of any election shall not be questioned on the ground of any omission or irregularity in connection with the administration of this Part which has not affected the result of the election, or on the ground that for any reason it was found impracticable to record or to secure the vote of any military elector or any votes whatever hereunder.

Regulations.

" **19.** For the purpose of carrying into effect the provisions of this Part, or supplying any deficiency therein, the Governor General in Council may make such regulations, not inconsistent therewith, as may be deemed necessary.

Cost.

" **20.** The cost incurred in carrying out the provisions of this Part may be paid by the Governor General in Council out of any unappropriated moneys in the Consolidated Revenue Fund of Canada.

Pepeal.

" **21.** Chapter eleven of the statutes of 1915, entitled *An Act to enable Canadian Soldiers on Active Military Service during the present war to exercise their electoral franchise*, is repealed.

"FORM A.

BALLOT.

**THE VOTER, IF HE DESIRES TO VOTE FOR ANY PARTICULAR CANDIDATE OR CANDIDATES DESIGNATED BY NAME, SHALL WRITE THE NAME OF SUCH CANDIDATE OR CANDIDATES IN THE FIRST WHITE SPACE, OR IF HE DESIRES TO VOTE FOR A PARTY HE SHALL MAKE AN X WITHIN THE WHITE SPACE CONTAINING THE NAME OF THE PARTY FOR WHICH HE INTENDS TO VOTE.**

**LE VOTANT, S'IL DÉSIRE VOTER POUR UN OU DES CANDIDATS EN PARTICULIER DÉSIGNÉS PAR LEURS NOMS, ECRIRA LE NOM DE CE OU CES CANDIDATS DANS LE PREMIER BLANC, OU S'IL DÉSIRE VOTER POUR UN PARTI IL FERA UN X DANS LE BLANC CONTENANT LE NOM DU PARTI POUR LEQUEL IL A L'INTENTION DE VOTER.**

*In the electoral districts of Ottawa, of Halifax, of South Cape Breton and Richmond, of the city and counties of St. John and Albert, and of Queens, P.E.I., two candidates may be voted for.*

*Dans les divisions électorales d'Ottawa, de Halifax, de Cap-Breton Sud et Richmond, et de la cité et des comtés de St. John et Albert, et de Queens, I.-P.-E., on peut voter pour deux candidats.*

| | |
|---|---|
| 1 | I vote for<br>Je vote pour |
| 2 | I vote for the Government<br>Je vote pour le Gouvernement |
| 3 | I vote for the Opposition<br>Je vote pour l'Opposition |
| 4 | I vote for the Independent Candidate<br>Je vote pour le candidat Indépendant |
| 5 | I vote for the Labour Candidate<br>Je vote pour le candidat Ouvrier |

## FORM B.

CERTIFICATE TO BE ENDORSED ON THE BALLOT-ENVELOPES.

1. What is your name?.....
2. What is your rank?.....What is your number?...
3. In what force or service are you?.....
4. Are you a British subject?.....Have you previously voted at this election?.....
5. Were you in Canada when you were appointed, enlisted, enrolled or called out in active service?.....
6. Specify the names of the place or places in Canada (*giving streets and numbers where possible*) whereat you last continuously resided during at least four months of the twelve months immediately preceding your appointment, enlistment, enrolment or calling out on active service.....
.....
.....
7. State if you can the electoral district wherein such place or places in which you so resided are situate.
Electoral district.....
Province.....
8. If you cannot specify as required by question No. 6, or state as required by question No. 7, then state in what electoral district or place within Canada (*giving street and number where possible*) you have resided at any other time than is referred to in question No. 6....
.....
.....
9. If none of your answers to questions Nos. 6, 7 and 8 specify or state as required thereby, to what electoral district do you desire your vote to be applied?.....
.....
Electoral district.....
Province.....

I certify that the above named military elector did this day make to me under oath the preceding set forth answers to the preceding set forth questions.

Dated this.....day of.....1917.

Deputy Presiding Officer.

## FORM C.

### Certificate of Vote of a Civilian.

I certify that this envelope contains the vote of (*name of voter*) a civilian scrutineer at this election (or *as the case may be*) who was this day sworn before me that he had not previously voted at such election and that he is a duly qualified elector of the electoral district of (*name of electoral district*) in the province of (*name of province*) to which electoral district said vote is to be applied.

Dated this.....day of.....1917.

Deputy Presiding Officer.

## FORM D.

### Oath or Affirmation of Honourably Discharged Military Elector.

I do solemnly swear that I have been a member of (*the voter will depose to former membership in some one of the services mentioned in the definition of a "military elector"*) but that I have been honourably discharged therefrom and am not now in active service. I produce my certificate of discharge. I am now resident at..... which is within this polling division. I have not previously voted at this election.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE HOUSE OF COMMONS OF CANADA.

# BILL 127.

## The Military Voters' Act, 1917.

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

**1.** The *Dominion Elections Act*, chapter six of the Revised Statutes of Canada, 1906, is amended by adding thereto as Part IV thereof the following provisions and forms:—

"PART IV.

Application.

"**1.** This Part of this Act shall apply only to a general election held during the present war or after the conclusion of peace, but before complete demobilization.

Definitions.

"**2.** In this Part, unless by the context a contrary intention is made to appear, the expression,—

"Box." "Ballot-box."

"Box" or "ballot-box" includes bag or other receptacle for containing ballots;

"Camp."

"Camp" means and includes base, barracks, rest station, ship, dockyard, hospital or other place whereat or whereon any military or naval unit or other body of military electors, as defined by this Part, is assembled under a commanding officer for the performance of any military or naval duty, or for rest, cure, exercise, or training;

"Military elector."

"Military elector" means and includes every person, male or female, who, being a British subject, whether or not ordinarily resident in Canada and whether or not a minor or an Indian, has been, while within or without Canada, appointed, enlisted, enrolled or called out for active service as one of the Canadian Expeditionary Force, the Royal Canadian Navy, the Canadian Militia on active service, or the Royal Naval Canadian Volunteer Reserve, or has been, while within Canada, appointed, enlisted or enrolled as one of the British Royal Flying Corps, Royal Naval Aviation Service, or Auxiliary Motor Boat Patrol

Service, whether as officer, soldier, sailor, dentist, nurse, aviator, mechanician or otherwise, and who remains one of any such forces or services or has been honourably discharged therefrom.

Voting by military electors.

" **3.** (1) Every military elector shall be qualified and entitled to vote at a general election.

(2) If he can state the electoral district wherein he last continuously resided during at least.....months of the year immediately preceding his appointment, enlistment, enrolment or calling out on active service, or so particularly specify a place or places within an electoral district whereat during such period of time he so resided that such electoral district can therefrom be ascertained, he shall be deemed an elector of the electoral district so stated or to be ascertained, and his vote shall be applied thereto.

(3) If he cannot, because of non-residence or otherwise, so state or specify, he shall be deemed an elector of, and his vote shall be applied to, such electoral district as he may indicate.

(4) No person shall be entitled, because of anything in this Part contained, to vote more than once at any election.

Election Officers, etc.

" **4.** (1) The Governor General in Council shall appoint, whenever necessary for the execution of the purposes of this Part, the following mentioned officers and functionaries:—

Assistant Clerk of the Crown in Chancery.

(*a*) An Assistant Clerk of the Crown in Chancery, who shall have and perform within the United Kingdom and on the continent of Europe all the powers and duties of the Clerk of the Crown in Chancery. He shall be nominated for appointment by the Speaker of the House of Commons of Canada. Upon completion of performance of his duties at any election his tenure of office shall cease;

General Returning Officer.

(*b*) A General Returning Officer, who shall have and perform, within the city of Ottawa, the powers and duties assigned to him by this Part as returning officer for all polls held under this Part or otherwise. Upon completion of such performance his tenure of office shall cease. He shall appoint and employ a Chief Election Clerk and such other clerical assistants as may be necessary for the proper performance of his duties;

Special Returning Officers.

(*c*) A sufficient even number of Special Returning Officers, and the same number of clerks, of whom one clerk shall be assigned to each Special Returning Officer to assist him in the performance of his duties. Such

officers and clerks shall perform, at the places to which they respectively may be assigned upon appointment, the duties of counting, recording and returning the votes polled under this Part. One-half of the number of such officers and clerks shall be nominated by the Prime Minister, and the other half by the Leader of the Opposition, and no clerk shall be appointed for, assigned to, or serve any such officer when the two are nominees of the same party leader;

Presiding Officers.

(*d*) A sufficient number of Presiding Officers, who shall be military electors. They shall have and may exercise over designated camps and other places, subject to the provisions of this Part, the like powers, privileges, and functions as returning officers, particularly the power to appoint and direct sufficient Deputy Presiding Officers and Poll Clerks, who also shall be military electors. Deputy Presiding Officers shall have and may exercise in the camps or other places to which by Presiding Officers they may be assigned, subject to the provisions of this Part, the like powers, privileges and functions as deputy returning officers;

Scrutineers.

(*e*) Six Scrutineers, three to be appointed on the nomination of the Prime Minister, and three on that of the leader of the Opposition. The appointment shall state the respective addresses at which notices given under this Part may be served. One of each nomination may be present on each occasion of the opening of ballot-boxes, and at the examination, application and counting of ballots, and every scrutineer shall have and may exercise all the rights of a candidate or his representative at any poll. Any scrutineer may, by writing, appoint any necessary deputies who shall have and may exercise the powers hereby conferred on scrutineers.

Payment of election officers.

(2) Such officers and functionaries and their deputies clerks and assistants, except scrutineers and deputy-scrutineers, may be paid and reimbursed as the Governor General in Council may provide, authorize or allow; scrutineers may be paid their actual travelling and living expenses only, at a rate to be fixed by the Governor General in Council; deputy scrutineers shall not be paid or reimbursed out of the fund of Canada any sums whatever.

Oaths.

(3) Before in any manner acting under this Part, the Assistant Clerk of the Crown in Chancery, General Returning Officer, his Chief Election Clerk, and every Presiding Officer, Special Returning Officer, Deputy Presiding Officer, Poll Clerk, and Clerk of a Special Returning Officer, shall be sworn to the faithful performance of his duties.

Before whom sworn.

(4) The Assistant Clerk of the Crown in Chancery, the General Returning Officer and his Chief Election Clerk, shall be sworn before a judge of a court of record; Presiding Officers, Special Returning Officers and Clerks of Special Returning Officers, before the Assistant Clerk of the Crown in Chancery, a regimental or battalion commanding officer, notary public or official authorized to administer oaths under the laws of the country where such duties are to be performed; Deputy Presiding Officers before a Presiding Officer or any of the officers or functionaries hereinbefore named; and Poll Clerks before a Deputy Presiding Officer.

Ballots and Custody.

" **5.** (1) Whenever the Secretary of State for Canada shall so direct, a sufficient supply of ballot-papers in the form A of the Schedule, and of envelopes for holding the same, with certificates in the form B of the Schedule printed thereon, and of all such forms and instructions as are ordinarily supplied to returning officers, modified to conform to the provisions of this Part, shall be delivered, (*a*) by the Clerk of the Crown in Chancery to the officer in Command of any Canadian troops in Bermuda, or in any other place without Canada but in North America, and to such Presiding Officers as shall have been appointed to arrange for the holding of polls in Canada; and, (*b*) by the Assistant Clerk of the Crown in Chancery to such Presiding Officers as shall have been appointed to arrange for the holding of polls in the United Kingdom or on the continent of Europe.

(2) Such ballot-papers and envelopes shall be safely held by such officers in command, respectively, until receipt from the Clerk of the Crown in Chancery of notice of the appointment of Presiding Officers for the camps under such officers' command, whereupon they shall deliver such ballots and envelopes to such Presiding Officers in such quantities as may be necessary, and return any surplus, with a statement in writing of the disposition of all thereof, showing names and quantities, to the General Returning Officer at Ottawa.

Information as to candidates.

" **6.** At the expiration of the time for nominating candidates the returning officer for each electoral district shall inform the Clerk of the Crown in Chancery by telegraph, or other expeditious means, of the names, addresses and descriptions of the several candidates who have been nominated. The Clerk of the Crown in Chancery shall thereupon transmit by telegraph to, (*a*) every officer in command of Canadian troops in Bermuda, or in any other place without Canada but in North America, (*b*) the Assistant Clerk of the Crown in Chancery, and, (*c*) every Presiding Officer appointed to arrange for the holding of

polls within Canada under this Part, a list of the electoral districts wherein a poll of the electors is necessary, and the names, addresses and descriptions of the candidates. Such officers in command and Assistant Clerk of the Crown in Chancery, respectively, shall transmit to all Presiding Officers, of whose appointments they respectively have been notified, true copies of such list.

Nomination and polling days.

" **7.** Notwithstanding sections eighty-nine and ninety of Part III, all nominations of candidates fo rall electoral districts shall be fixed for and made on one and the same day, and notwithstanding section one hundred and thirty-one of the said Part, the day for holding the poll within Canada, whether under this Part or otherwise, in or for all electoral districts, shall be the twenty-eighth day next after that fixed for the nomination of candidates.

Conduct of polls.

" **8.** (1) Polls shall be held in such camps or other places, in Canada or elsewhere, as shall be assigned to the charge of Presiding Officers for the purposes of this Part. Those held without Canada shall be maintained open during such sufficient number of days and during such hours as military exigencies will permit, but so that no polling shall commence before the day following that of the nomination of candidates nor continue after eight o'clock in the evening of the day for holding the poll within Canada.

Facilities at camps.

(2) The Canadian Military and Naval authorities at every camp or other place where any poll is held shall afford to the attending Deputy Presiding Officer all necessary facilities, and the officer commanding shall allow every military elector, so far as may be consistent with the proper performance of his duties, time and opportunity to vote.

Notice.

(3) Where conditions make it reasonably possible, the Deputy Presiding Officer shall give public notice of the time and place of an intended poll, and, in cases of polls to be held without Canada, a special notice to any person whose appointment as a scrutineer or deputy scrutineer has been communicated to him, with the request that he so notify.

Agents.

(4) The Deputy Presiding Officer shall permit any scrutineer or deputy scrutineer, or, in the absence of both, any one military elector, to be present at any poll, and to act thereat as agent on behalf of any party, with the powers of an agent of a candidate at a poll held under Part III.

Immediate voting.

(5) In any case where, for any reason, unless the vote of a military elector is immediately taken, it is likely that he may not subsequently be able to vote, the Deputy Presiding Officer may take such vote otherwise than at a formally held poll.

Manner of voting without Canada.

**9.** (1) The manner of voting without Canada under this Part shall be as follows:—

(*a*) Voting shall be by ballot;

(*b*) The ballot-paper shall be in the form A in the Schedule;

(*c*) The voter shall answer under oath, before the Deputy Presiding Officer, the questions set forth in the certificate which is form B in the Schedule. Such certificate shall be endorsed on the envelopes referred to in section five of this Part;

(*d*) The Deputy Presiding Officer shall sign such certificate and deliver the envelope on which it appears, with a ballot-paper, to the voter, who may mark the ballot -paper in accordance with the directions thereon as a vote for the Government, the Opposition, or any Independent candidate or candidates, or for any person or persons (if more than one candidate is to be elected) for whom he desires to vote;

(*e*) The ballot-paper shall be marked in the presence of the Deputy Presiding Officer, but in such manner as not to disclose to him or to any other person any marking thereon. The voter shall fold the ballot, place it in the envelope, securely close the same and hand it to the Deputy Presiding Officer, who shall then and there, in the presence of the voter, place it in the ballot-box;

(*f*) To comply with this section as respects his own vote, the Deputy Presiding Officer may administer to himself the necessary oath and certify as aforesaid;

(*g*) Every Deputy Presiding Officer who is satisfied that any voter is incapacitated by blindness or other cause from voting in the manner prescribed, shall, upon request of such voter, mark his ballot-paper in the manner directed by him and place it in the proper envelope;

(*h*) A voter who has inadvertently dealt with a ballot-paper or envelope in such manner that it cannot conveniently be used, shall return it to the Deputy Presiding Officer, who shall deface it and deliver another in its place.

Manner of voting within Canada.

(2) The manner of voting within Canada under this Part shall be the same as that without Canada, except in the following respects:—

(*a*) The ballot-paper shall have a counterfoil, and after the Deputy Presiding Officer shall have signed the certificate on the envelope, he shall retain the envelope and hand to the voter a ballot-paper on the back of which such Deputy Presiding Officer shall have previously put his initials, so placed that when the ballot

is folded they can be seen without opening it, and on the back of the counterfoil of which he shall have placed a number corresponding to one placed on the envelope;

(*b*) The voter, on receiving the ballot-paper, shall forthwith proceed into a compartment so arranged that he may be screened from observation, and shall there mark his ballot-paper, fold it so that the initials on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the Deputy Presiding Officer, who shall, without unfolding it, ascertain by examining his initials and the number on the counterfoil, that it is the same paper as that furnished by him to the voter, and shall then, in the presence of the voter, remove and destroy the counterfoil, place the ballot in the proper envelope and deposit in it the ballot-box.

Votes of civilian officials appointed under this Act.

"**10.** (1) Any of the officers or functionaries mentioned in section four of this Part, (including scrutineers and deputy scrutineers), who is not a military elector, may vote in manner provided by this Part at any poll whereat he may demand to vote, upon making oath before the Deputy Presiding Officer that he had not previously voted at the election and is a duly qualified elector of an electoral district which he shall name. In such case the Deputy Presiding Officer shall endorse upon the envelope a certificate in form C of the Schedule, and shall sign the name, whereupon such endorsement shall be deemed to fulfil all the requirements of this Part.

Military elector resident in Canada.

(2) Notwithstanding anything in this Part contained, a military elector who is resident within Canada, and is no longer in active service, shall vote in manner specified in Part III, as an elector of the electoral district wherein he is resident at the time of polling. He shall be deemed qualified to so vote upon making oath before a deputy returning officer presiding at a poll held within the polling division wherein such voter resides, in the terms of the form D in the Schedule, and exhibiting to such officer his certificate of discharge from active service. The deputy returning officer shall cause such voter's name to be entered in the poll book with the addition of the words "military elector."

Forwarding the ballots.

"**11.** (1) The Deputy Presiding Officer may use the same ballot-box, if it be sufficient, at all polls committed to him to be held, until it has become filled, and upon the conclusion of his last poll, or whenever he shall decide to discontinue the depositing of ballots in any box, he shall

seal it in such manner as to make evident any tampering therewith, plainly mark it with the words "Military Votes", and send it by registered post or other safe and expeditious means, addressed, (*a*) if the votes therein have been polled within the United Kingdom, to the Secretary of the High Commissioner of Canada, at London, England; (*b*) if they have been polled on the continent of Europe, to the Canadian Commissioner to France; and, (*c*) if they have been polled elsewhere, to the General Returning Officer at Ottawa. He shall enclose within every box so sent a statement of the number of votes contained therein, and, within the box containing the ballots taken at the last poll which he is to hold, all other documents which have served at the election.

(2) When posted in Canada, the ballot-boxes shall be carried free in the Canadian mails as registered matter.

Custody and count of ballots.

"**12.** (1) The Secretary of the High Commissioner, the Canadian Commissioner to France, and the General Returning Officer, respectively, shall make a record of all boxes received by them, endorsing on each thereof the date and hour of its receipt, and keep such boxes sealed and unopened until the times which they shall fix in written notices, to be given from time to time to Special Returning Officers and scrutineers, of the times when and places where such boxes as have been received will be opened for the purpose of counting the ballots. The day fixed in any such notice shall be not less than two nor more than thirty-one days next after that fixed for polling in Canada.

Delivery of boxes to Special Returning Officers, sorting envelopes, and entry of names, etc., in separate poll-books.

(2) At the respective times and places so fixed, the Secretary of the High Commissioner, the Canadian Commissioner to France, and the General Returning Officer, respectively, shall deliver to such Special Returning Officers as are present, such boxes, sealed and unopened, whereupon they shall, without opening the envelopes found therein, sort such envelopes by electoral districts, and enter in separate poll-books for each electoral district the name, rank and number, if any shown, of each voter, and the name of the Deputy Presiding Officer, as such information appears endorsed on such envelopes, and, opposite each name of a voter, the signature of the Clerk who has entered such name in the poll-book. In case the endorsement upon any envelope does not indicate the electoral district to which the ballot therein ought to be applied, but does so indicate the place of residence of the voter that, on reference to charts of electoral districts and instructions as to the bounds, area and street contents of electoral districts, which the Clerk or Assistant Clerk of the Crown in Chancery shall supply, the electoral district to which such ballot

Allocation of ballot to electoral district.

ought to be applied can be ascertained, the name of such electoral district, so ascertained, shall be written on the envelope and identified by the signature of a Special Returning Officer and his Clerk, and such envelope shall be allocated, and any properly marked ballot therein shall be applied, to such electoral district.

Opening of envelopes, and deposit of ballots in boxes.

(3) When the envelopes have been sorted and the poll books written up, as respects all envelopes whereon the certificate or marking, pursuant to the immediately preceding provision, appears to be made in accordance with this Part, the Special Returning Officers shall place in heaps with the certificates thereon downwards, such envelopes as they are prepared to open, and maintaining them in that position, shall, each in presence of his clerk, open them, one electoral district at a time, and deposit the ballots in boxes plainly marked with the name of the electoral district to which the envelopes relate, and of which boxes the Secretary of the High Commissioner, the Commissioner to France, or the General Returning Officer, as the case may be, shall hold the only keys.

Time and method of opening boxes, counting ballots, and recording statements.

(4) No such box shall be opened or any ballots counted until ten o'clock of the morning of the thirty-first day next after that fixed for polling in Canada. The Secretary of the High Commissioner, the Canadian Commissioner to France, and the General Returning Officer, respectively, shall then deliver the keys of all such boxes to the Special Returning Officers, who shall open the same, count the ballots, and record in the respective poll-book relating to the respective electoral districts a statement, (*a*) of the number of votes cast for each party or candidate, (*b*) the names of the respective candidates for whom the votes cast for a party have been counted, (*c*) the total vote for each candidate after application to him by name of the votes cast for his party, and, (*d*) the number of rejected ballots. Such statements shall be signed by the Special Returning Officer and Clerk who have counted the ballots, and they shall make a signed duplicate thereof and forthwith deliver it to the Secretary of the High Commissioner, the Canadian Commissioner to France, or the General Returning Officer, as the case may be.

Vote for a party counted as vote for a recognized candidate.

(5) A vote for a party shall be counted as a vote for the candidate or candidates who has or have been recognized, in the manner hereinafter prescribed, as the candidate or candidates representing that party in the electoral district to which the vote has been applied. Such recognition shall be made in the case of the Government party by the Prime Minister, in the case of the Opposition party by the Leader of the Opposition, and in the case of any Independent or other party by the recognized leader of such

party. Within five days after the day of nomination, the Prime Minister, the Leader of the Opposition, and the recognized leader of any Independent party, shall severally notify the Clerk of the Crown in Chancery of the names of the candidates recognized by them, and such notification shall forthwith be published in the *Canada Gazette* and communicated to the Assistant Clerk of the Crown in Chancery. If a military elector votes for a party, and there is no candidate recognized as aforesaid as representing that party, his ballot shall be rejected, and the reason for the rejection shall be written and signed by the Special Returning Officer and his Clerk on the back thereof.

Recognition and publication of names of recognized candidates.

(6) A vote for a person by name shall be counted for such person if he is a candidate in the electoral district to which, in accordance with the endorsement or marking on the envelope, such ballot has been applied, but if otherwise, it shall be rejected, and the reason for the rejection shall be written and signed thereon as in the immediately preceding paragraph provided.

Vote for person by name accepted if he is a candidate.

(7) No ballot shall be rejected for uncertainty as to the party or the candidate intended to be voted for by reason only of the misplacing of any mark, or the misspelling of any name, or because of any omission of or addition to the Christian name, or the omission or addition of any prefix to any name thereon, if, notwithstanding, it is possible to ascertain by mere inspection of such ballot-paper, the party or the candidate for which or whom the voter intended to vote; nor shall any ballot be rejected as containing a possible identifying mark unless the mark is obviously intended as such.

Ballot not rejected for uncertainty if intention of voter can be seen on mere inspection.

(8) If any ballot-box is received by the Secretary of the High Commissioner, the Canadian Commissioner to France, or the General Returning Officer, after ten o'clock in the morning of the thirty-first day next after that fixed for polling in Canada, or if any box appears to have been opened, its contents shall not be examined, and in the case of any envelope contained in a box duly received and opened, if the certificate required on the envelope is not made substantially in accordance with the provisions of this Part, or if the envelope appears to have been opened, its contents shall not be examined, but such box or envelope shall be put before the Secretary of the High Commissioner of Canada, the Canadian Commissioner to France, or the General Returning Officer, as the case may be, who shall endorse thereon the reason why the same has not been examined.

Ballot-box not received on time, or appearing to be opened, defective certificate, or envelope appearing to be opened.

(9) Upon receipt of the statement, mentioned in subsection four of this section, of the votes applicable to each candidate in an electoral district, the Secretary of

Statement of votes sent by telegraph and registered post.

the High Commissioner and the Canadian Commissioner to France, respectively, shall communicate the text thereof by telegraph, and such document itself by registered post, to the General Returning Officer.

(10) At the conclusion of the counting of the ballots, the Special Returning Officers shal collect and enclose within separate parcels, (*a*) the used and accepted ballots, (*b*) the used but rejected ballots, (*c*) the envelopes in which the used ballots had been contained, (*d*) he poll-books, and, (*e*) any other documents which have served at the election, securely seal and endorse each parcel so as to ndicate its contents and the name of the electoral district to which it relates, and deliver the whole to the Secretary of the High Commissioner, the Canadian Commissioner to France, or the General Returning Officer, as the case may be. The Secretary o the High Commissioner and the Canadian Commissioner to France, respectively, after the lapse of the time mentioned n section fifteen, subsection three, shall forward all such documents to the General Returning Officer at Ottawa, who shall further deal with them as in and by section two hundred and fourteen of Part III provided.

Ballots, after counting, to be sent by Commissioners to General Returning Officer at Ottawa.

"**13.** Notwithstanding anything contained in Part III, every returning officer appointed and acting under that Part in respect of an electoral district wherein a poll is held, as soon as he has made the final addition of the votes polled pursuant to that Part, shall, without declaring any candidate elected and without making the return required by section two hundred and eleven of that Part, make, sign and seal a certificate stating the number of votes given for each candidate, as determined by such final addition, and the report required by section two hundred and thirteen of Part III, and transmit to the General Returning Officer the writ of election together with such certificate and report, the stamp furnished him for stamping the ballot-papers, and all the ballot-papers, including those unused, the original statements of the several deputy returning officers the lists of voters, the poll-books used in the several polling divisions, and all other lists and documents furnished for the election, or which have been transmitted to him by the deputy returning officers. Such action on the part of the returning officer shall be deemed to be the return on his part of the writ required by the provisions of Part III, and thereafter such returning officer hall have no further duty to perform in connection with the election, but the General Returning Officer shall be substituted for him and shall act in his place and stead as returning officer in respect of the said election, except that in case

Duty of every returning officer under Part III to send certificate, ballots, etc., to General Returning Officer.

General Returning Officer substituted

for returning officer.

of necessity for the giving of a casting vote in any case within the provisions of section one hundred and eighty-five of Part III, the General Returning Officer shall communicate

Casting vote.

to such returning officer by telegraph the fact of such necessity, whereupon such returning officer shall by telegraph announce to the General Returning Officer his vote, and confirm it by letter, and the General Returning Officer shall record such casting vote as directed, and when making return shall return accordingly.

Declaration of election by General Returning Officer.

"**14.** Upon receipt of any telegram from the Secretary of the High Commissioner of Canada, or the Canadian Commissioner to France stating the number of votes given for the several candidates in any electoral district, the General Returning Officer shall cause the information therein contained to be made available to any person applying therefor. Upon receipt from the Secretary of the High Commissioner of Canada, the Canadian Commissioner to France, and the Special Returning Officers in Canada, of the statements referred to in section twelve, subsection four, of this Part, the General Returning Officer shall add the number of votes given for or applicable to the respective candidates in each electoral district, as disclosed by such statements, to the votes given for the candidates as shown by the certificate of the returning officer made pursuant to section thirteen of this Part, and shall openly proclaim and shall return pursuant to the provisions of section two hundred and eleven of Part III, as being duly elected a member or members to represent such electoral district in the Commons of Canada, the candidate or candidates found to have the greatest number of votes, and shall, if requested to do so, give to each candidate so elected a certificate stating the fact of his election.

Final addition and recount by judge under this Part.

"**15.** (1) The provisions of Part III relating to the final addition and recounting of votes by a judge, so far as the same are not inconsistent with this Part, and substituting where necessary for the words "deputy returning officer" the words "Special Returning Officer", and for the words "Returning Officer" the words "Secretary of the High Commissioner of Canada, Canadian Commissioner to France, or General Returning Officer, as the case may be", and for the word "Judge" the words "recounting authority", shall extend to all votes polled under this Part, but such final addition or recount proceedings as shall relate to any votes polled within the United Kingdom or on the continent of Europe shall be instituted and had at London, England, before a person who may be designated for the purpose by a Judge of the High

Final addition and recount in London of votes polled in United Kingdom or Europe.

Court of Justice of England. Such proceedings shall be initiated by an application to the High Commissioner or Acting High Commissioner of Canada at London that he secure the appointment of a recounting authority. Such application shall be made within four days after a time which shall be fixed by the Governor General, and published in the *Canada Gazette*, and in the *London Times*.

Extension of time.

(2) The judge or recounting authority, within or without Canada, is empowered to extend for such reasonable periods as may be necessary, the times limited by Part III for taking any step in final addition or recount proceedings affecting any votes polled under this Part.

Ballots to be retained as prescribed and produced on recount.

(3) The Secretary of the High Commissioner of Canada, the Canadian Commissioner to France, and the General Returning Officer, shall retain in their possession all ballots which have come into such possession until the four-day limit, (mentioned in this section), for instituting recount proceedings has passed, and shall on written notice from the recount authority, received in time, produce at the hour and place appointed for any final addition or recount proceedings, the ballots which relate thereto.

Result of recount in London sent by telegraph and registered mail.

(4) The recounting authority in England shall certify the result of the final addition or recount to the High Commissioner or Acting High Commissioner of Canada at London, who shall forthwith report by telegraph the text, and transmit by registered mail the original, of said certificate, to the General Returning Officer at Ottawa. Said certificate shall have the same force and effect with relation to the votes finally added or recounted in England as if the proceedings had been instituted, conducted and concluded under Part III.

Emergency poll.

"**16.** In case any military electors shall, at the time of or subsequent to the issue of the writs for a general election, under orders to leave Canada prior to the day for holding the poll within Canada, the Governor in Council may make provision for the polling of their votes, in the manner by this Part provided, on a day prior to their departure, and may modify the provisions of this Part relating to time or procedure in so far as may be necessary to render such polling possible.

Offences and penalties.

"**17.** (1) Any person who wilfully and without lawful cause signs the name of any other person to any telegraphic message, with intent to procure such message to be sent as a message from such other person in respect of any matter provided for in this Part, or causes any delay in the transmission or delivery to the Secretary of the High Commissioner of Canada, or the Canadian Commissioner

to France, or to the General Returning Officer, of any envelope endorsed in accordance with the provisions of this Part, or opens any such envelope, or attempts to obtain or communicate any information as to the party or person for whom or the manner in which any vote is given in any particular ballot-paper used under the provisions of this Part, or prevents or endeavours to prevent any military elector from voting, or makes any untrue statement as to his name or corps for insertion in a certificate, or signs a certificate containing any untrue statement, or falsely represents to any election officer that any certificate was issued to him, shall be liable upon summary conviction to a fine not exceeding two hundred dollars and costs, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Personation.

(2) Any person who knowingly applies for a ballot-paper or certificate under this Part to which he is not entitled, and any person knowingly signing such certificate or signing any untrue certificate, shall be guilty of personation and liable to the penalty prescribed by section two hundred and seventy-two of Part III of this Act.

Validatiy of election as affected by non-compliance.

" **18.** The validity of any election shall not be questioned on the ground of any omission or irregularity in connection with the administration of this Part which has not affected the result of the election, or on the ground that for any reason it was found impracticable to record or to secure the vote of any military elector or any votes whatever hereunder.

Regulations.

" **19.** For the purpose of carrying into effect the provisions of this Part, or supplying any deficiency therein, the Governor General in Council may make such regulations, not inconsistent therewith, as may be deemed necessary.

Cost.

" **20.** The cost incurred in carrying out the provisions of this Part may be paid by the Governor in Council out of any unappropriated moneys in the Consolidated Revenue Fund of Canada.

Repeal.

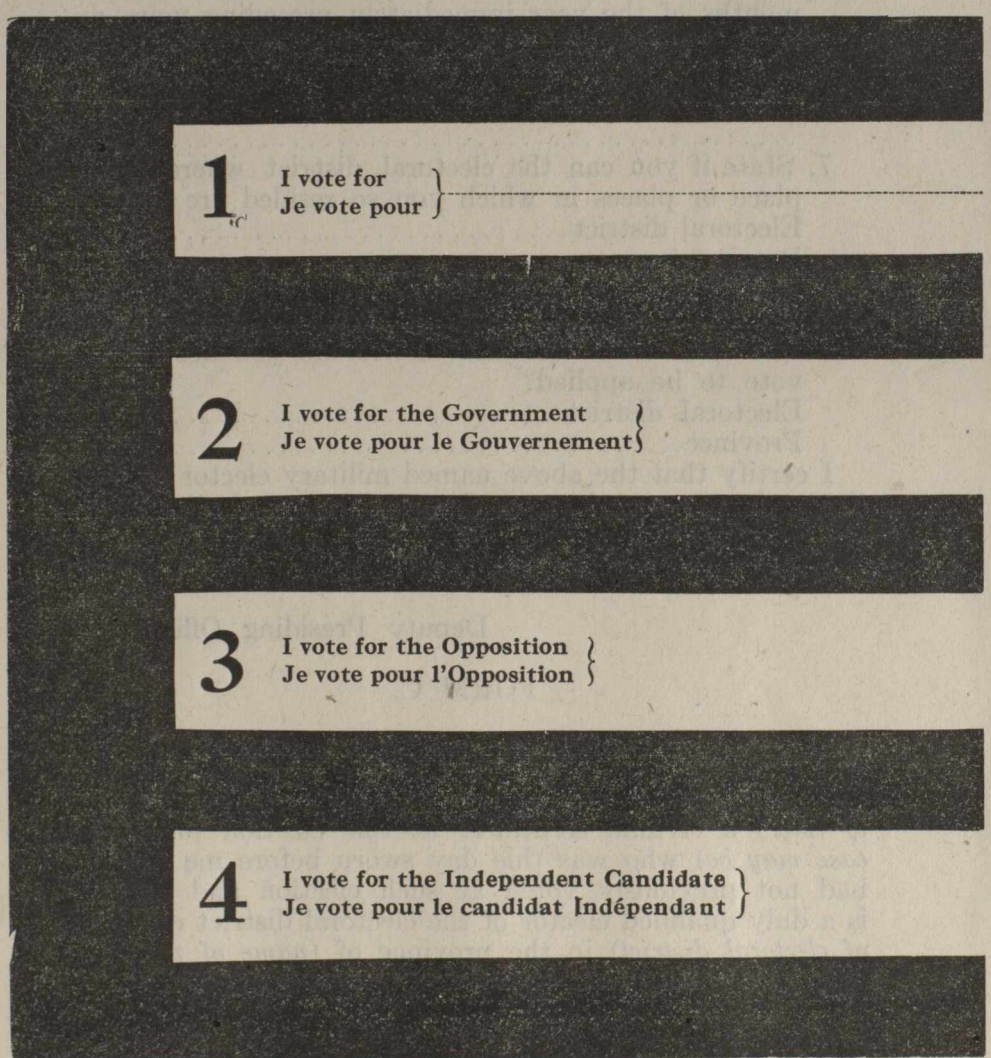
" **21.** Chapter eleven of the statutes of 1915, entitled *An Act to enable Canadian Soldiers on Active Military Service during the present war to exercise their electoral franchise*, is repealed.

"FORM A.

BALLOT.

The voter to make an X within the white space containing the name of the party for which he intends to vote, or if the voter desires to vote for any particular person, the voter shall write the name of such person in the first space.

Le votant fera une croix X dans l'espace blanc contenant le nom du parti pour lequel il veut voter ou si le votant désire voter pour une personne en particulier il écrira le nom de cette personne dans le premier espace.



## FORM B.

CERTIFICATE TO BE ENDORSED ON THE BALLOT-ENVELOPES.

1. Your name is?.....
2. Your rank is?.....Your number is?.....
3. In what force or service are you?.....
4. Are you a British subject?.....Have you previously voted at this election?.....
5. Were you in Canada when you were appointed, enlisted, enrolled or called out in active service?.....
6. Specify the names of the place or places in Canada (*giving streets and numbers when possible*) whereat you last continuously resided during at least..... months of the year immediately preceding your appointment, enlistment, enrolment or calling out on active service.....
.....
.....
7. State if you can the electoral district wherein such place or places in which you so resided are situate.
Electoral district.....
Province.....
8. If because of non-residence or otherwise you cannot specify or state as required by questions No. 6 and No. 7, to what electoral district do you desire your vote to be applied?
Electoral district.....
Province.....

I certify that the above named military elector did this day make to me under oath the preceding set forth answers to the preceding set forth questions.

Dated this.....day of.....1917.

Deputy Presiding Officer.

## FORM C.

CERTIFICATE OF VOTE OF A CIVILIAN.

I certify that this envelope contains the vote of (*name of voter*) a civilian scrutineer at this election (or *as the case may be*) who was this day sworn before me that he had not previously voted at such election and that he is a duly qualified elector of the electoral district of (*name of electoral district*) in the province of (*name of province*) to which electoral district said vote is to be applied.

Dated this.....day of.....1917.

Deputy Presiding Officer.

## FORM D.

### Oath or Affirmation of Honourably Discharged Military Elector.

I do solemnly swear that I have been a member of (*the voter will depose to former membership in some one of the services mentioned in the definition of a "military elector"*) but that I have been honourably discharged therefrom and am not now in active service. I produce my certificate of discharge. I am now resident at..... which is within this polling division.

3

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 127.

The Military Voters' Act, 1917.

First reading, August 13, 1917.

MR. DOHERTY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 133.

## The War-time 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.

**1.** During the present war, and until complete demobilization after the conclusion of peace, the operation of Part I of the Dominion Elections Act (being sections 5 to 30 inclusive) shall be suspended and Part II of that Act (being sections 31 to 65 inclusive) shall operate and apply as if amended, and shall be deemed to be amended, in the following respects:— Part I of Dominion Elections Act suspended, and Part II to operate as amended.

(*a*) by striking out the heading " Provinces of Saskatchewan and Alberta and Yukon Territory;"

(*b*) by striking out section 31;

(*c*) by striking out section 32 and inserting instead the following:—

" **32.** The qualifications necessary to enable any male person to vote at a Dominion election in any province shall, except as by this Act otherwise provided, be those established by the laws of that province as necessary to entitle such male person to vote in the same part of the province at a provincial election;" Qualifications of male voters.

(*d*) by adding as section 33A, between sections 33 and 34, the following:—

" **33A.** Every female person shall be capable of voting and qualified to vote at a Dominion election in any province or in the Yukon Territory, who, being a British subject and qualified as to age, race and residence as required in the case of a male person in such province or in the Yukon Territory, as the case may be, is the wife, widow, mother, sister or daughter of any person, male or female, living or dead, who is serving or has served without Canada in any of the military forces, or within or without Canada in any of the naval forces, of Canada or of Great Britain in the present war;" Qualifications of female voters.

(*e*) by adding as section 33B immediately after section 33A the following:—

Provincial disqualifications not adopted.

"**33B.** No person possessed of the qualifications generally required by the provincial law to entitle him to vote at a provincial election shall be disqualified from voting at a Dominion election merely by reason of any provision of the provincial law disqualifying from having his name on the list or from voting,—

(i) the holder of an office; or,

(ii) any person employed in any capacity in the public service of Canada or of the province; or,

(iii) any person belonging to or engaged in any profession, calling, employment or occupation; or,

(iv) any one belonging to any other class of persons who, although possessed of the qualifications generally required by the provincial law, are, by such law, declared to be disqualified by reason of their belonging to such class."

Posting proclamation.

(*f*) by striking out of the second line of section 35 the word "eight" and substituting therefor the word "ten".

Subdivision of electoral district into polling divisions.

(*g*) by striking out from the first and second lines of subsection (1) of section 37 the words "In the provinces of Saskatchewan and Alberta and the Yukon Territory and inserting instead—"Except in the provinces of Quebec, Ontario, Nova Scotia and New Brunswick, wherein the polling divisions shall be those established under the laws of the province for the purposes of provincial elections within the territory comprised in the electoral district for which the election is held," and by adding at the end of said subsection the words—"He may adopt, if considered satisfactory for the purposes of a Dominion election, any or all of the polling divisions established by or under the laws of his province for the purposes of provincial elections within the territory comprised in the electoral district for which the election is held," and by adding as subsections (3), (4) and (5) to said section 37 the following:—

Separate and additional polling stations where polling division has more than 300 voters.

"(3) Where a polling division in a province has more than three hundred qualified voters according to the voters' list as compiled pursuant to section 46 and posted pursuant to section 48 of this Act, the returning officer shall provide separate and additional polling stations near to one another, according to the total number of qualified voters on such list, for the polling of the votes in such polling division, and so that not more than three hundred, and, when practicable, not less than two hundred qualified voters' names shall be on the list for each polling

station. The returning officer in such cases shall direct the enumerator to prepare and he shall prepare from the voters' list for the polling division, a separate list for each polling station, made up in alphabetical order according to the initial letter of the surname of each voter. Each separate polling station shall be designated by the initial letters of the voters on the list who are to vote in such station, in the following manner, that is to say:—From A to K, and from L to R, and from S to Z or as the case may be. Every voter, the initial letter of whose name is included within the letters of the alphabet designating a polling station and contained in such list, shall vote in the station so designated. The returning officer shall appoint a deputy returning officer for each polling station, and the enumerator shall deliver to such deputy in due time a list certified by him to be a correct list of all voters on the voters' list, whose surnames commence with the letters of the alphabet included within the letters by which the polling station is designated.

Returning officer to obtain documents defining provincial polling divisions.

"(4) The returning officer shall, forthwith after the receipt of the writ for an election, obtain from the officers who are the legal custodians of any by-laws, orders, proclamations or other documents or proceedings defining provincial polling divisions or duly certified duplicates or copies thereof and such certified copies of the said by-laws, orders, proclamations or other documents or proceedings as are necessary or as he deems necessary for the performance of his duties. The legal custodian from whom any such document is so obtained shall be paid therefor the same fees, if any, as in the case of such document being obtained by a returning officer for the purposes of a provincial election.

Certified copies of provincial lists to be obtained.

" (5) The legal custodian of any municipal or provincial voters' list in force, last in force, or previously in force, shall deliver certified copies thereof or of any part thereof, as last revised and corrected, to any returning officer, enumerator or other person applying therefor on payment therefor of a fee not exceeding the fee, if any, allowed by the provincial law in the like case, and not exceeding in any case ten cents for a printed list and one cent for every two names in writing, if the list or part of the list is in writing."

(*h*) by striking out subsection (1) of section 42 and inserting instead the following:—

Appointment of enumerators to make lists.

" **42.** Subject to the provisions of section 65A of this Act the Governor in Council may appoint enumerators in each province to make lists of the electors in each electoral district, and the returning officer of each electoral district shall assign one of such enumerators to each polling district therein "; by inserting between the words " such " and

" appointments " in the first line of subsection (2) of said section the words " or sufficient " and by striking out of the ninth line of said subsection (2) of said section the words " one or more polling divisions " and inserting instead the words " polling division."

Lists of voters by enumerators.

(*i*) by striking out from the fourth line of subsection (1) of section 46 the words " or each of the polling divisions " and by adding as subsection (2) to said section the following:—

Provincial lists may be adopted as basis.

" (2) Subject to the provisions of section 65A of this Act, in the compilation of such list the enumerator may adopt as a basis thereof any part or parts of any provincial or municipal list of voters in force or last in force which may be applicable to the polling division for which he has been appointed, adding to or taking from such list the names of such persons as he may find to be qualified, or not qualified, as the case may be, within the polling division for which he has been appointed. He shall add after the name of every female voter whose name he places or permits to remain on the list of electors prepared by him the letter F in brackets, thus (F)."

(*j*) by striking out the whole of section 48 and inserting instead the following:—

List to be posted up.

" **48.** Subject to the provisions of section 65A of this Act, and except in the Yukon Territory, each enumerator shall complete, date at his place of residence, and sign the copies of the voters' list ten days before the polling day; two of the said copies he shall forthwith post up in two of the most public places within such polling division, and the other he shall retain for revision.

At post office or other conspicuous place.

"(2) One of the places where copies of the lists are to be so posted up shall be the post office nearest to the place appointed as the polling station for the polling division, or, if there is no such post office, a conspicuous place outside and adjoining the main entrance to such polling station.

Notice of place where enumerators may be found.

"(3) The enumerator shall attach to each of the two copies posted up by him a written notice signed by him designating a place within the polling division and a time where and when electors may conveniently find him during at least two successive hours on every day, except Sunday, of the ten days next before the polling day and at any time while the poll is open on polling day, and the enumerator shall attend at the time and place so designated for at least two consecutive hours on each of said ten days and during the whole period of time that the poll is open on polling day."

Correction of voters lists.

(*k*) by inserting as the beginning of section 49 the words— " Subject to the provisions of section 65A of this Act and except in the Yukon Territory", by striking

out from the second line of subsection (1) of said section the word "two" and inserting instead the word "three" and by striking out from the second and third lines of said section the words—"in the provinces of Saskatchewan and Alberta,";

(*l*) by inserting as the beginning of sections 50 and 51 respectively the words—"Except in the Yukon Territory," by striking out from the first line of each of said sections the words—"In the provinces of Saskatchewan and Alberta", by striking out of the sixth line of section 50 the word "two" and inserting instead the word "three", and by striking out of the third line of section 51 the word "eight" and inserting instead the word "six". Attestation of lists and delivery to deputy returning officers.

(*m*) by adding as section 51B between sections 51A and 52 the following:—

"**51B.** In the event of the death or illness of any enumerator or of his neglect or refusal to perform any duty imposed upon him by this Act the returning officer may appoint another person with power, after taking the oath in form B in the Schedule, to act in such enumerator's place and stead,"; Death, illness or neglect to act by enumerators.

(*n*) by striking out of the first and second lines of sections 56, 59, and 60, respectively, the words—"In the provinces of Saskatchewan and Alberta and the Yukon Territory", by striking out of the first line of subsection (2) and out of the first and second lines of subsection (3) of said section 59 the words—"In the provinces of Saskatchewan and Alberta" and by inserting as the beginning of subsections (2) and (3) respectively of said section 59 the words—"Except in the Yukon Territory." Returning officer may act as deputy. Where officers and agent may vote. Certificates.

(*o*) by striking out section 62 and inserting instead the following:—

"**62.** Subject to the provisions of section 65A of this Act any person whose name is not on the voters' list of a polling division, but who claims that it should be thereon, may, at any time while the poll is open, apply to the enumerator of such polling division, at the place notified pursuant to section 48, subsection (3), for a certificate that he is a qualified voter in such polling division. The enumerator shall thereupon examine such person under oath as to his identity and qualifications as an elector, reduce his answers to writing, add thereto the words "sworn before me" with the date of swearing, sign the document as enumerator, enclose it within an envelope so marked as to indicate its contents, and at the close of the poll deliver the envelope and contents to the deputy returning officer, Applications for certificate as a qualified voter by person whose name is not on list. Oath.

who shall deliver it unopened, within the ballot-box, to the returning officer after the close of the poll.

Is sue of certificate, entry in pool-book, and name added to voters list.

(2) Upon being satisfied as to such person's identity and qualifications the enumerator shall issue to him *gratis*, a signed certificate in the form W|I in the Schedule containing the name of the person to whom it is issued, stating that such person is a qualified elector and indicating the polling division in which he is entitled to vote. The certificate may be presented to the deputy returning officer, who shall require the person presenting it to make oath that he is the person named in it and that he has not previously voted at the election. If such oath is made, (and as well any other oath which may be put pursuant to this Act) but not otherwise, the person's name shall be entered in the poll-book and the deputy returning officer shall add it to the voters' list and write the word "certificate" and his initials thereafter, whereupon such person shall be permitted to vote in the ordinary manner.

Declaration where certificate is refused.

(3) If the enumerator is not satisfied as to such person's identity or qualifications he shall deliver to him *gratis* a signed declaration in the form W|2 in the Schedule containing the name of the person to whom it is issued and stating that he has applied to the enumerator for a certificate of his right to vote in the enumerator's polling division and that it has been refused. The declaration may be presented to the deputy returning officer, who shall require the person presenting it to make oath that he is the person named in it and that he has not previously voted at the election. If such oath is made, (and as well any other oath which may be put pursuant to this Act) but not otherwise, the person's name shall be entered in the poll-book followed by the word "Declaration," (but the name shall not be added to the voters' list), and the person shall be given a ballot-paper and permitted to mark it in the ordinary manner, and when the ballot is returned to him the deputy returning officer shall enclose and seal it within an envelope, and endorse thereon a number corresponding to that appearing opposite the voter's name in the poll-book, the number and letter, if any, of the polling division, and the deputy returning officer's initials, and the envelope shall be deposited in the ballot-box and delivered therein unopened to the returning officer after the close of the poll. The returning officer shall preserve it unopened and deal with it as with all other election documents. In the event of the institution of any recount proceedings the recounting judge shall have authority, after the count of all ballots polled in the ordinary manner has been concluded, (*a*) to hear evidence under oath, and upon such evidence to decide

Entry in poll-book, but not added to list.

Ballot enclosed in envelope and deposited in ballot-box.

Judge to decide as to right to vote.

as part of the recount proceedings, as to the right of each person whose ballot was polled within an envelope to vote at the election within the polling division to which the envelope relates, and (*b*) to count as if polled in the ordinary manner the ballots polled in envelopes of all persons whom he shall decide to have been entitled to vote within such polling division. Only the envelopes which contain the ballots of persons decided to have been entitled to so vote shall be opened, and this shall be done by the judge, who shall deposit in a ballot-box all the ballots found in such envelopes as he may open and they shall be examined and counted only as withdrawn from such ballot-box. The unopened envelopes shall be re-delivered to the returning officer, who, preserving them unopened, shall deal with them as with all other election documents.

Envelopes opened by Judge, and ballots deposited in box.

(4) Any candidate or his agent, present at a polling station, may, in the following manner and with the following set forth consequences, challenge on the ground of non-qualification or disqualification the right of any person to vote at the election whose name has been placed on the list of voters of the polling division by or upon the certificate of an enumerator. In the provinces of Quebec, Ontario, Nova Scotia and New Brunswick, such right of challenge shall apply only as against such persons as, pursuant to section 65A, the enumerator shall have added to the basis list mentioned in paragraphs one and two of said section, and to all persons on the lists of voters in the municipally unorganized districts of the province of Ontario, to vote at the election. The challenge shall be made before the person has received a ballot paper and when made the deputy returning officer shall put to the candidate or agent making it an oath substantially in the form W 4 in the schedule, which oath shall, according to the nature of the challenge made, state the particular ground or grounds of the non-qualification or disqualification relied on. The deputy returning officer shall thereupon mark opposite the intending voter's name in the poll book the word "challenged," deliver to such intended voter a ballot paper and permit him to mark it in the ordinary manner but when it is returned to him he shall enclose and seal it within an envelope, and thereafter mark and otherwise deal with such envelope and its contents (as shall the judge in the event of the institution of any recount proceedings) as if the ballot had been marked pursuant to the immediately preceding subsection.

Challenge on ground of non-qualification or disqualification.

(*p*) by adding at the end of the second paragraph of form P the words:—

Form P amended.

Female voters.

"A female person when qualified as to age, race and residence as required of male persons, is capable of voting if she is the wife, widow, mother, sister, or daughter of any person male or female, living or dead who is serving or has served without Canada in the military forces, or within or without Canada in the naval forces of Canada or of Great Britain in the present war";

Form Z, No. 1 amended.

(*q*) by striking out form Z No. 1 and inserting instead the following:—

Oath of qualification.

"Form Z No. 1. You swear that you are legally qualified to vote at this election, that you are of the ('male' *or* 'female') sex, a British subject, and of the full age of 21 years. (*In the case of a female voter add the following*):—You do further swear that you are the ('wife', 'widow,' 'mother', 'sister' *or* 'daughter', *as the case may be*) of a person who is serving or has served without Canada in the military forces (*or* within or without Canada in the naval forces) of Canada (*or* of Great Britain, *as the case may be*) in the present war."

(*r*) by adding as section 65A immediately after section 65, the following:—

Provisions of this Part limited.

"**65A.** Notwithstanding anything in this part of this Act contained its provisions shall be limited in their application to the provinces of Quebec, Ontario, Nova Scotia and New Brunswick as follows:—

Basis of lists of voters in Quebec, Nova Scotia and New Brunswick.

1. In the provinces of Quebec, Nova Scotia and New Brunswick the enumerators shall adopt as the basis of the lists of voters which they respectively shall compile the lists prepared for the several polling divisions established, and which on the sixtieth day next preceding the day fixed for the nomination of candidates for the election were in force, or were last in force, under the laws of the province, for the purposes of provincial elections, and they shall not add to such basis list any other names than those of female voters qualified to vote by this part of this Act nor strike off nor erase therefrom any other names than those of persons disqualified from voting, by this part of this Act, and section 62 of this Act shall apply only to qualified female voters whose names do not appear on any list compiled by any enumerator and to persons whose names he has erased or struck from such basis list.

Basis of list of voters in Ontario.

2. In the province of Ontario the enumerators shall adopt as the basis of the lists which they respectively shall compile for polling divisions other than such as are wholly within cities, or within county or district towns having a population of nine thousand or over according

to the last Dominion Census, the lists of voters last prepared under the *Ontario Voters Lists Act*, chapter 6 of the Revised Statutes of Ontario, 1914, previous to the amendment of said Act by chapter 4 of the Acts of the Legislature of the province of Ontario of the year 1917, for the several polling divisions to which they relate, established under the laws of that province for the purposes of provincial elections. The enumerators shall not add to or strike off or erase from such lists so adopted any names other than those of females and disqualified persons as mentioned in paragraph 1 of this section, and section 62 of this Act shall apply to such lists only as in said paragraph 1 specified.

Ontario voters' lists.

3. In the province of Ontario every enumerator in a polling divisions which is wholly included within a city or within a county or district town, having a population of nine thousand or over according to the last Dominion census, shall complete, date at his place of residence and sign the copies of the voters' lists fifteen days before the polling day; two of the said copies he shall forthwith post up as required by Section 48 of this Act and the third he shall personally deliver or mail by registered letter to the Chairman of the Voters' Registration Board constituted by the Ontario Franchise Act, 1917, for the city or town. Such lists shall not be subject to revision by the enumerator nor shall he have any further duty to perform as enumerator under this Act. The said Voters' Registration Boards in said cities and towns are hereby constituted Boards of Appeal under this paragraph, with the chairman of each Board, who shall be nominated such for the purposes of this paragraph by the Governor in Council) chairman of the Board of Appeal, and the Clerk of each Board Clerk of the Board of Appeal. If the enumerator refuses or omits to enter upon the list the name of any person the applicant may, in person (or in the case of a qualified person who may be absent from the polling division at the time of the enumeration, an elector in the polling division acting on such absent person's behalf, may within three days after the posting up by the enumerator of such list, appeal to such Board of Appeal by notice in writing stating the facts and filed with the enumerator and with the Clerk of the Board of Appeal. An appeal shall also lie in like manner, and on the like and a further notice by registered letter to the person entered on the list, from the entry by the enumerator of the name of such person on such list. The registered letter shall be mailed to the address of the person as appearing on the list. The Board of Appeal shall commence its sittings, at such place as it

To be posted up and delivered

Voters' Registration Boards to be Boards of Appeal.

Appeals.

Sittings of Boards of Appeal.

may fix and notify by public advertisement, ten days before polling day, and it shall continue in session until all appeals have been disposed of but in any event for not longer than six days, or, if any one of the five days following its first days' sitting is a Sunday, it shall arrange to conclude its business in five days. The Board of Appeal shall have for the purposes of this paragraph and except as limited hereby all the powers exerciseable by it on any similar appeal asserted before it under Part II of the Ontario Franchise Act and shall on every hearing proceed as nearly as possible as in and by said Part II of said Act provided. In case of necessity the Board of Appeal may divide itself into two or more sections and in such case each section shall for the purposes of this paragraph have the full authority of the whole Board of Appeal. The Chairman of the Board, or the Clerk, acting under his directions, shall make and initial the alterations in such lists rendered necessary as a result of the decisions of the Board of Appeal, and the Chairman of the Board shall append and sign thereto the following words—"I certify that the foregoing is a correct list of the voters in polling division No. ... (*or* as the case may be) of the electoral district of ..... as revised on appeal by the Board of Appeal of the (city *or* town) of ..... in the province of Ontario, this .... day of ....., 1917.

Powers of Board.

*Chairman of the Board of Appeal of* .....

Delivery of lists to returning officers.

Four days before polling day the Clerk of the Board of Appeal shall deliver to the proper returning officer the lists revised on Appeal and as well all other lists received by the Chairman of the Board from the various enumerators, but respecting which no appeals have been asserted or if any asserted no changes shall have been made in such lists. The returning officer shall deliver such lists to the proper deputy returning officers forthwith or before six o'clock of the morning of polling day. All such lists shall be deemed closed and Section 62 of this Act shall not at all apply thereto or to the persons whose names appear thereon. The members of the Board of Appeal, the Clerk thereof, enumerators and all other persons engaged under authority of this Act in the making or revision by way of appeal or otherwise of lists of voters in any province or in the Yukon Territory, shall be paid such reasonable remuneration or disbursements as the Governor in Council may provide or allow.

4. In the province of Ontario the lists of voters in municipally unorganized districts shall be prepared, revised, signed, and delivered to the deputy returning officers by enumerators according to the applicable provisions of sections 42 to 51 inclusive provided, and this section shall not apply thereto. Unorganized districts of Ontario.

**2.** During the present war and until complete demobilization after the conclusion of peace, Part III of the Dominion Elections Act shall operate and apply as if amended and shall be deemed to be amended in the following respects:— Part III to operate as amended.

(*a*) by striking out the whole of section 143 and inserting instead the following:—

"**143.** Except as otherwise provided in this Act, each elector shall be entitled to vote at the polling station of the polling division, or of one of the polling divisions, upon the list of voters for which his name is entered as an elector, and at no other."; Where electors shall vote.

(*b*) by inserting as the beginning of section 136 the words:—

"**136.** Except in the cities of Calgary, Edmonton, Halifax, Hamilton, London, Montreal, Ottawa, Quebec, Regina, St. John, Toronto, Vancouver, Victoria and Winnipeg, wherein the poll shall be opened at the hour of six of the clock in the forenoon," and by inserting between the words "clerk" and "the" in the second line of section 137 the words—"the enumerator". Hours of polling.

(*c*) by striking out from the first and second lines of section 144 the words—"Except in the provinces of Saskatchewan and Alberta and the Yukon Territory" and inserting between the words "officer" and "on", in the second line of said section the words—"of any electoral district in the province of Ontario which contains in whole or in part any city or town to which Part II of the Ontario Franchise Act, 1917, applies", and by striking out the whole of sections 149, 150A, 151, 152, 152A, and 247. Provisions as to election officers or agents entitled to vote.

(*d*) by adding as paragraphs (*e*), (*f*), (*g*) and (*h*) to subsection (1) of section 67 the following:— Disqualification of voters.

"(*e*) Any person who shall have applied pursuant to section 11 subsection 1, clause (*f*) of the Act respecting Military Service for a certificate of exemption from combatant military service on conscientious grounds, whether or not a certificate of exemption from such service shall have been granted, and unless and until it has been refused." Conscientious objectors to combatant military service.

"(*f*) All persons who on the sixth day of July, 1917, were members of the religious denomination or sect Mennonites and Doukabors.

called " Mennonites " (the members of which denomination or sect were exempted from military service by Order in Council of August 13, 1873), and all persons who on said sixth day of July, 1917, were members of the religious denomination or sect called " Doukabors " (the members of which denomination or sect were exempted from military service by Order in Council of December 6, 1898). Provided that this paragraph shall not apply to such Mennonites or Doukabors as shall have volunteered for and been placed on active service in the military or naval forces of Canada or of His Majesty in the present war."

Naturalized enemy aliens.

" (*g*) Except as in this paragraph provided, every naturalized British subject who was born in an enemy country and naturalized subsequent to the 31st day of March, 1902. A person shall be deemed to have been born in an enemy country, within the meaning of this paragraph, if he was born in a country which forms part of the territory of any country with which His Majesty is at war: Provided that a person claiming to vote who was a natural born citizen or subject of France, Italy, or Denmark, and who arrived in Canada before the date upon which the territory in which he was born became part of Germany or Austria (as the case may be) shall not be deemed to have been born in an enemy country if he produces to the deputy returning officer an unrevoked certificate in the form W | 3 in the Schedule. Such certificate may be issued by the enumerator of the polling division whereof the person, were it not for his nationality would be an elector, not later than three days before polling day upon satisfactory proof furnished by deposition under oath to the enumerator as to the facts. If at any time before such person has voted the returning officer of the electoral district has reason to believe that the facts did not justify the issue of any such certificate he may revoke the same."

Naturalized aliens whose language is that of an enemy

" (*h*) Every naturalized British subject who was born in any European country (whether or not the sovereign or government thereof is in alliance with His Majesty in the present war) whose natural language, otherwise described as " mother tongue," is a language of an enemy country, and who was naturalized subsequent to the 31st day of March, 1902.

Exceptions.

Provided that nothing contained in this section shall be construed as preventing any natural-

ized British subject (if otherwise qualified) from having his or her name on a list of voters or from voting who—(i) is serving or has served without Canada as one of the military or within or without Canada as one of the naval forces of Canada or of His Majesty or of any of his allies in the present war, or (ii) produces a certificate signed by the Commanding Officer of a Military District, or an officer thereto authorized by him, that that person is or has been a member of any of such forces and has been engaged in active service within or without Canada during the present war, or is a person who has applied for enlistment as a member of such forces to so serve and has been rejected only because medically unfit, or is a grandparent, parent, son or brother of a person who is or has been a member of any of such forces and has been engaged in active service, or of a person who has so applied and been so rejected; or (iii) is or has been at any time during the present war a member of the Parliament of Canada or of a province; or (iv) is a Christian and either a Syrian or an Armenian; or (v) is a female voter entitled to vote under section 33A of this Act."

Naturalized subjects serving in army or navy.

Producing certificate of service or application to enlist.

Relatives included.

Member of Parliament. Syrian or Armenian. Female voter.

"(*i*) every person who has been convicted of any offence against the "Act respecting Military Service," passed in the year 1917.

Military convict.

(*e*) by adding as section 67A, between sections 67 and 68, the following:—

"**67A.** Notwithstanding anything appearing in the "Act respecting Military Service" passed in the year 1917, or in any other Act or Order in Council—

All disqualified aliens exempted from military service.

(1) All persons who are by the terms of paragraphs (*g*) and (*h*) of section 67 of this Act disqualified from voting, with such of their sons as on polling day are not of legal age shall be, and shall be held, exempt from combatant military and naval service; and

(2) All persons who shall have voted at a Dominion election held subsequent to the 7th day of October, 1917 during the present war shall be held ineligible and incompetent —(*a*) to apply for, or to be granted on the application of another, exemption from combatant military or naval service on conscientious grounds, or (*b*) to be excepted as a Mennonite or as a Doukabor from the provisions of said Act respecting Military Service or exempted as such from combatant military or naval service on conscientious grounds.

Persons who vote at Dominion elections cannot claim exemption from military service.

**3.** Any deputy returning officer, either of his own motion or at the request of any agent or scrutineer, after carefully explaining the meaning of paragraphs (*g*) and

Questions to naturalized aliens.

(*h*) of section 67 of this Act, may put to any person claiming to vote at an election the following questions:—

"Are you a naturalized British subject who was born in an enemy country within the meaning of paragraph (*g*) of section 67 of the Dominion Elections Act; or who was born in Europe and whose natural language or mother tongue is a language of an enemy country, and, if you are either, when and where were you naturalized?

Refusal to answer, or unsatisfactory response.

(2) If such person refuses to answer fully such questions, or by his manner shows that he was born in an enemy country within the meaning of said paragraph of said section or that his natural language or mother tongue is a language of an enemy country, his claim to vote shall be rejected unless he satisfies the deputy returning officer that he was naturalized as a British subject prior to the 1st day of April, 1902, or is one of the persons excepted in and by said section 67 from the disqualifying operation thereof, or that he is a person who is while within Canada, entitled by statute to the privileges of a natural born British subject.

Penalty for voting by disqualified voters.

(3) Any person who, being disqualified from voting by paragraphs (*e*), (*f*), (*g*) (*h*) or (*i*) of section 67 votes at an election, shall be guilty of an offence and liable upon indictment or summary conviction to a fine not exceeding five hundred dollars and costs, or to imprisonment for a term not exceeding two years; or to both such fine and such imprisonment.

Names of disqualified persons not to be put on lists.

**4.** In the preparation of lists for any polling division the enumerator shall not include the names of any persons who are for any reason disqualified from voting, and he shall require of every person other than a British subject by birth, as a condition precedent to the placing of his name on any list of voters, production of a duly authenticated certificate of his naturalization as a British subject or of his having taken the oath or oaths required of a person who is entitled by statute, while within Canada, to the privileges of a natural born British subject. The provisions of section 62 of this Act shall apply to such persons as an enumerator shall omit from or refuse to register on the list of voters because of disqualification or non-production of a certificate of naturalization, or of having taken such oath or oaths and, on recount proceedings, upon satisfactory proof by any such persons of absence of disqualification, and in the case of a naturalized British subject upon further proof that he has lost or is unable to find such certificate of naturalization, or or having taken such oath or oaths, the recounting judge shall count the ballot

Certificate of naturalization to be produced.

Oath.

of such person pursuant to said section 62 and as therein provided.

Interpretation

**5.** This Act shall be read as one with the Dominion Elections Act with Part I thereof suspended and Parts II and III thereof for the period of the war deemed amended as in this Act specified.

## SCHEDULE.

### Form W-1.

This is to certify that.....
is a qualified elector of the electoral district of.....
and that he is entitled to vote in the polling division of.....in said electoral district, at the pending Dominion election on this.....day of.....
1917.

.....
*Enumerator of said Polling Division.*

### Form W-2.

I acknowledge and declare that on this.....day of.....1917 said date being polling day,
.....applied to me for a cer ificate of his right to vote in the polling division of.....in the electoral district of.....at the pending Dominion election, and that I refused to issue to him such certificate.

.....
*Enumerator of said Polling Division.*

### Form W-3.

As the result of an examination personally made by me I certify that..... was born in a country which forms part of the territory of a country with which His Majesty is at war, to wit....., but that the person named is a natural born citizen of.....
who arrived in Canada before the date upon which the territory in which he was born became part of such enemy country.

Dated at.....this.....day of.....
191 .

.....
*Enumerator of Polling Division.....*
*of the Electoral District of.....*

FORM W-4.

I....., present at this polling place as a candidate (or *as an agent of a candidate*) at this election, do solemnly swear that I have good ground for believing and do believe that (*name of intending voter*) whose name is on the list of voters of this polling division and who now applies for a ballot paper in order to vote at this election, is not a qualified elector (or *is a person disqualified from being an elector*), because he (e.g. "*is under 21 years of age*" or "*is not a British Subject*", or "*was born in an enemy country and naturalized as a British Subject subsequent to the 31st day of March, 1902*", or as the case may be).

**133.**

7th Session, 12th Parliament, 7-8 George V, 1917.

THE HOUSE OF COMMONS OF CANADA.

# BILL 133.

The War-time Elections Act.

First reading, September 6, 1917.

Sir ROBERT BORDEN.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS OF CANADA.

# BILL 134.

An Act to amend The Dry Docks Subsidies Act, 1910.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1910, c. 17; 1912, c. 20; 1914, c. 29.

**1.** This Act may be cited as *The Dry Docks Amendment Act, 1917.* Short title.

**2.** Paragraph one of section seven of *The Dry Docks Subsidies Act, 1910,* as enacted by chapter twenty of the statutes of 1912, is repealed and the following is substituted therefor:—

"(1) Dry docks of the first class for naval and general purposes costing, for the purposes of the subsidy calculation, not more than five million five hundred thousand dollars in the case of dry docks specified in sub-paragraph (*a*), and not more than four million dollars in the case of dry docks specified in sub-paragraph (*b*) hereunder, being,— Dry docks of first class.

"(*a*) dry docks, other than floating dry docks, of dimensions when completed of not less than the principal dimensions next hereinafter mentioned, that is to say, clear length on bottom from caisson groove or hollow-quoin to head, eleven hundred and fifty feet, clear width of entrance, one hundred and twenty-five feet, depth of water over sill at high water ordinary spring tides, thirty-eight feet; and,

"(*b*) floating dry docks of a lifting capacity of at least twenty-five thousand tons, in which vessels can with ease and safety be received and repaired:

Provided, however, that any such dry dock shall not, for the purposes of this Act, be deemed to be a dry dock of the first class unless there can be received and repaired therein with ease and safety the largest ships or vessels of the British Navy existing at the time at which the contract is entered into." Proviso as to British Navy.

Subsidy on first class docks increased from 4 to 4½ per cent and payable half yearly.

**3.** Paragraph (*a*) of subsection one of section eight of the said Act, as enacted by chapter twenty-nine of the statutes of 1914, is repealed and the following is substituted therefor:—

"(*a*) if of the first class, a sum not exceeding four and one-half per cent of the cost of the work as fixed and determined under subsection two of this section, half yearly during a period not exceeding thirty-five years from the time the Governor in Council has determined under this Act that the work has been completed.

Issue of bonds, etc.

No bonds, debentures, or other securities, shall be issued with respect to and as a charge upon any dock until it has been established to the satisfaction of the Minister that not less than one million dollars have been spent on the work and the material upon or for such dock, and that there are no outstanding and unsettled liens, encumbrances or claims upon or in respect of such dock, but thereafter the Minister may permit the issue of bonds, debentures, or other securities, and any subsidy mentioned by this section may, with the approval of the Minister, be assigned to a trustee for the holder of such bonds, debentures, or other securities, and the subsidy shall, in that event, be payable directly to such trustee, but, until the dock has been completed to the satisfaction of the Minister, the total amount of the bonds, debentures, or other securities issued shall not at any time exceed seventy-five per cent of the amount actually expended for the work and the materials upon or for the dock, and in no case shall any bonds, debentures, or other securities, be issued without the consent in writing of the Minister.

Advances during construction.

Provided, however, that half yearly payments on account of the subsidy at the rate of four and one-half per cent per annum on seventy-five per cent of the cost of all work done and materials provided at the time of such payment may be made during the construction of the said dock, and for such period as may be determined by the Governor in Council, not exceeding thirty-five years from (and including) the first payment thereof, the amount of such cost to be determined by the Chief Engineer of the Department of Public Works, but no such payment on account shall be made until the work done and materials provided shall have cost the sum of at least one million dollars. No such payments on account shall be made unless the said chief engineer reports that the work of construction of the dry dock with respect to which the payment is to be made has been done to his satisfaction, and no subsidy shall be paid except payments on account as aforesaid unless the Governor in Council, in the manner prescribed in

section ten of this Act, has determined that the work required by the agreement is completed. The total subsidy, including such payments on account during construction shall not, however, in any case, exceed the amount of subsidy hereinbefore authorized."

**4.** The provisions of section three of this Act shall not apply or extend to any agreement heretofore made for the construction of any dry dock. Section 3 not to apply to existing contracts.

**5.** *The Dry Docks Amendment Act, 1912*, chapter twenty of the statutes of 1912, and *The Dry Docks Subsidies Act, 1914*, chapter twenty-nine of the statutes of 1914, are repealed. Repeal.

7th Session, 12th Parliament, 7-8 George V, 1917

THE HOUSE OF COMMONS
OF CANADA.

# BILL 134.

An Act to amend The Dry Docks Subsidies Act, 1910.

First reading, September 13, 1917.

MR. REID.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

# BILL A.

An Act to amend The Companies Act.

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 Companies Act Amendment Act, 1917.* Short title.

APPLICATION OF ACT.

**2.** Except as hereinafter otherwise provided this Act applies to all companies to which Part I or Part II of *The Companies Act* applies. Application. R.S., c. 79.

PRIVATE COMPANIES.

**3.** For the purposes of this Act the expression "private company" means a company which, by its special Act, letters patent or supplementary letters patent— Meaning of "private company."

(*a*) restricts the right to transfer its shares; and

(*b*) limits the number of its shareholders (exclusive of persons who are in the employment of the company) to fifty; and

(*c*) prohibits any invitation to the public to subscribe for any shares or debentures of the company.

2. Where two or more persons hold one or more shares in a company jointly they shall, for the purposes of this section, be treated as a single member. Joint shareholders.

3. This section shall not be applicable to any company operating or controlling any public or municipal franchise, undertaking or utility, or which may require or use for its purposes any permanent structure in, on, across or under any highway or stream or adjoining navigable waters. Public utility companies excepted.

4. Any company incorporated before the passing of this Act which at the time of the passing of this Act has less Conditions under which existing.

private companies may be brought within provisions of Act.

than fifty shareholders (exclusive of persons who are in the employ of the company) and which has not invited the public to subscribe for any of its shares or debentures, and which, before or after the passing of this Act, has passed by-laws—

(*a*) restricting the right to transfer its shares;

(*b*) limiting the number of its members (exclusive of persons who are in the employ of the company) to fifty; and

(*c*) prohibiting any invitation to the public to subscribe for any shares or debentures of the company;

may, at any time before making its first annual return under the provisions of this Act, file in the Department of the Secretary of State of Canada evidence that at the time of the passing of this Act it had less than fifty shareholders (exclusive of persons in the employ of the company) and that it had not invited the public to subscribe for its shares or debentures, and evidence of the due passing of such by-laws and of the confirmation thereof by the shareholders of the company at a meeting duly called for such purpose; and thereupon the Secretary of State of Canada may issue a certificate that such company is a private company within the provisions of this section, and shall give notice thereof in *The Canada Gazette*, and thereupon such company shall be deemed to be a private company within the provisions of this section; provided, however, that no by-laws of the company thereafter amending, altering or varying any of the said by-laws for any of the purposes herein referred to shall be valid or acted upon unless confirmed by supplementary letters patent duly issued under the provisions of this Act.

ANNUAL FINANCIAL STATEMENT.

Annual meeting.

**4.** The annual meeting of the shareholders of the company shall be held at such time and place in each year as the special Act, letters patent, or by-laws of the company provide, and in default of such provisions in that behalf the annual meeting shall be held at the place named in the special Act or letters patent as the place of the head office of the company, on the fourth Wednesday in January in every year.

2. At such meeting the directors shall lay before the company—

Balance sheet.

(*a*) a balance sheet made up to a date not more than three months before such annual meeting: Provided, however, that the shareholders of a company which carries on its undertaking out of Canada may, by

resolution at a general meeting, extend this period to not more than six months;

(*b*) a general statement of income and expenditure for the financial period ending upon the date of such balance sheet;

(*c*) the report of the auditor or auditors;

(*d*) such further information respecting the company's financial position as the special Act, letters patent or by-laws of the company require.

3. Except in cases of private companies, on resolution passed at such meeting by shareholders holding at least five per cent of the capital stock of the company, the directors shall forward to every shareholder a copy of such of the statements (*a*), (*b*), (*c*) and (*d*) mentioned in subsection 2 hereof as are required by such resolution.

Details of balance sheet.

4. Every balance sheet shall be drawn up so as to distinguish severally at least the following classes of assets and liabilities, namely:—

(*a*) cash;

(*b*) debts owing to the company from its customers;

(*c*) debts owing to the company from its directors, officers and shareholders respectively;

(*d*) stock in trade;

(*e*) expenditures made on account of future business;

(*f*) lands, building, and plant;

(*g*) goodwill, franchises, patents and copyrights, trade-marks, leases, contracts and licenses;

(*h*) debts owing by the company secured by mortgage or other lien upon the property of the company;

(*i*) debts owing by the company but not secured;

(*j*) amount of common shares, subscribed for and allotted and the amount paid thereon;

(*k*) amount of preferred shares subscribed for and allotted and the amount paid thereon;

(*l*) indirect and contingent liabilities.

INSPECTION AND AUDIT.

Investigation of affairs of company.

**5.** The Secretary of State of Canada may appoint one or more competent inspectors to investigate the affairs of any company and to report thereon in such manner as the Secretary of State of Canada may direct—

(i) In the case of any company having a share capital, on the application of shareholders holding not less than one-tenth of the shares issued;

(ii) In the case of a company not having a share capital, on the application of not less than one-fifth in number of the persons on the company's register of members.

2. The application shall be supported by such evidence as the Secretary of State of Canada may require for the purpose of showing that the applicants have good reason for, and are not actuated by malicious motives in requiring, the investigation; and the Secretary of State of Canada may, before appointing an inspector, require the applicants to give security for payment of the costs of the inquiry.

3. It shall be the duty of all officers and agents of the company to produce to the inspectors all books and documents in their custody or power.

4. An inspector may examine on oath the officers and agents of the company in relation to its business, and may administer an oath accordingly.

5. If any officer or agent refuses to produce any book or document which under this section it is his duty to produce, or to answer any question relating to the affairs of the company, he shall be liable on summary conviction to a fine not exceeding twenty dollars in respect of each offence.

6. On the conclusion of the investigation the inspectors shall report their opinion to the Secretary of State of Canada, and a copy of the report shall be forwarded by the Secretary of State of Canada to the company, and a further copy shall, at the request of the applicants for the investigation be delivered to them.

7. The report shall be written or printed, as may be directed.

8. All expenses of and incidental to the investigation shall be defrayed by the applicants, unless the Secretary of State of Canada direct the same to be paid by the company, which the Secretary of State of Canada is hereby authorized to do.

Powers of company to appoint inspectors.

**6.** A company may by special resolution appoint inspectors to investigate its affairs.

2. Inspectors so appointed shall have the same powers and duties as inspectors appointed by the Secretary of State of Canada, except that, instead of reporting to the Secretary of State of Canada they shall report in such manner and to such persons as the company in general meeting may direct.

3. Officers and agents of the company shall incur the like penalties in case of refusal to produce any book or document required to be produced to inspectors so appointed, or to answer any question, as they would have incurred if the inspectors had been appointed by the Secretary of State of Canada.

Report of inspectors to be evidence.

**7.** A copy of the report of any inspectors appointed under this Act, authenticated by the seal of the company

whose affairs they have investigated, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in the report.

Appointment and remuneration of auditors.

**8.** Every company shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

2. If an appointment of auditors is not made at an annual general meeting, the Secretary of State of Canada may, on the application of any shareholder of the company, appoint an auditor of the company for the current year, and fix the remuneration to be paid to him by the company for his services.

3. A director or officer of the company shall not be eligible to be appointed auditor of the company.

4. A person, other than a retiring auditor, shall not be eligible to be appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the company not less than fourteen days before the annual general meeting, and the company shall send a copy of any such notice to the retiring auditor, and shall give notice thereof to the shareholders, either by advertisement or in any other mode provided by the by-laws of the company, not less than seven days before the annual general meeting.

Provided that if, after notice of the intention to nominate an auditor has been so given, an annual general meeting is called for a date fourteen days or less after the notice has been given, the notice, though not given within the time required by this provision, shall be deemed to have been properly given for the purposes thereof, and the notice to be sent or given by the company may, instead of being sent or given within the time required by this provision, be sent or given at the same time as the notice of the annual general meeting.

5. The first auditors of the company may be appointed by the directors before the statutory meeting, and if so appointed shall hold office until the first annual general meeting, unless previously removed by a resolution of the shareholders in general meeting, in which case the shareholders at that meeting may appoint auditors.

6. The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors, if any, may act.

7. The remuneration of the auditors, of a company shall be fixed by the company in general meeting, except that the remuneration of any auditors appointed before the

statutory meeting, or to fill any casual vacancy, may be fixed by the directors.

Powers and duties of auditor

**9.** Every auditor of a company shall have a right of access at all times to the books and accounts and vouchers of the company, and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditors.

2. The auditors shall make a report to the shareholders on the accounts examined by them, and on every balance sheet laid before the company in general meeting during their tenure of office, and the report shall state:—

(*a*) whether or not they have obtained all the information and explanations they have required; and

(*b*) whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs according to the best of their information and the explanations given to them, and as shown by the books of the company.

3. The balance sheet shall be signed on behalf of the board by two of the directors of the company, and the auditors' report shall be attached to the balance sheet, or there shall be inserted at the foot of the balance sheet a reference to the report, and the report shall be read before the company in general meeting, and shall be open to inspection by any shareholder.

4. Any shareholder shall be entitled to be furnished with a copy of the balance sheet and auditors' report at a charge not exceeding ten cents for every hundred words.

5. If any copy of a balance sheet which has not been signed as required by this section is issued, circulated or published, or if any copy of a balance sheet is issued, circulated, or published without either having a copy of the auditors' report attached thereto or containing such reference to that report as is required by this section, the company, and every director, manager, secretary, or other officer of the company who is knowingly a party to the default, shall on summary conviction be liable to a fine not exceeding two hundred dollars.

Rights of preference shareholders, etc., as to receipt and inspection of reports, etc.

**10.** Holders of preference shares and debentures of a company shall have the same right to receive and inspect the balance sheets of a company and the reports of the auditors and other reports as is possessed by the holders of ordinary shares in the company.

2. This section shall not apply to a private company nor to a company incorporated before the first day of July nineteen hundred and sixteen.

ANNUAL RETURNS.

**11.** Every company having a share capital shall, on or before the first day of June in every year, make a list of all persons who on the thirty-first day of March next preceding were shareholders of the company. Annual returns.

2. The list must state the names, addresses and occupations of all shareholders therein mentioned and the number of shares held by each of the members on the said thirty-first day of March, and must contain a summary distinguishing between shares issued for cash and shares issued as fully or partly paid up otherwise than in cash, and specifying the following particulars:— List of shareholders. Summary. Particulars.

(*a*) The corporate name of the company;

(*b*) The manner in which the company is incorporated, whether by special Act or by letters patent, and the date of incorporation;

(*c*) The place of the head office of the company, giving the street and number thereof when possible;

(*d*) The date upon which the last annual meeting of shareholders of the company was held;

(*e*) The amount of the share capital of the company, and the number of shares into which it is divided;

(*f*) The number of shares taken from the commencement of the company up to the date of the return;

(*g*) The amount called up on each share;

(*h*) The total amount of calls received;

(*i*) The total amount of calls unpaid;

(*j*) The total amount of the sums, if any, paid by way of commission in respect of any shares, bonds or debentures, or allowed by way of discount in respect of any bonds or debentures;

(*k*) The total number of shares forfeited;

(*l*) The total amount of shares issued as preference shares and the rate of dividend thereon;

(*m*) The total amount paid on such shares;

(*n*) The total amount of debentures, debenture stock or bonds authorized and the rate of interest thereon;

(*o*) The total amount of debentures, debenture stock or bonds issued;

(*p*) The total amount paid on debentures, debenture stock or bonds;

(*q*) The total amount of share warrants issued;

(*r*) The names and addresses of the persons who at the date of the return are the directors of the company, or

occupy the position of directors, by whatever name called.

Statement of capital, liabilities and assets.

3. The summary must also (except where the company is a private company) include a statement, made up to such date as may be specified in the statement, in the form of a balance sheet audited by the company's auditor or auditors, and containing a summary of its share capital, its liabilities, and its assets, giving such particulars as will disclose the general nature of those liabilities and assets, and how the values of the fixed assets have been arrived at, but the balance sheet need not include a statement of profit and loss.

List and summary to be filed, signed and verified.

4. The above list and summary must be completed and filed in duplicate in the Department of the Secretary of State on or before the first day of June aforesaid. Each of the said duplicates shall be signed by the president and by the manager or, if these are the same persons, by the president and by the secretary of the company, and shall be duly verified by their affidavits. There shall also be filed therewith an affidavit proving that the copies of the said list and summary are duplicates.

Penalty for default.

5. If a company makes default in complying with the requirements of this section it shall be liable to a fine not exceeding twenty dollars for every day during which the default continued, and every director or manager of the company who knowingly and wilfully authorizes or permits the default shall be liable to the like penalty and such fines may be recoverable on summary conviction.

Endorsement of list and summary.

6. The Secretary of State of Canada, or an official of the Department of the Secretary of State designated for that purpose, shall endorse upon one duplicate of the above list and summary the date of the receipt thereof at the Department of the Secretary of State, and shall return the said duplicate list and summary to the company and the same shall be retained at the head office of the company available for perusal or for the purpose of making copies thereof or extracts therefrom by any shareholder or creditor of the company.

Proof of endorsement.

7. The duplicate of the said list and summary endorsed as aforesaid shall be *primâ facie* evidence that the said list and summary were filed in the Department of the Secretary of State pursuant to the provisions of this section on any prosecution under subsection 5 of this section, and the signature of an official of the Department of the Secretary of State to the endorsement on the said duplicate shall be deemed *primâ facie* evidence that the said official has been designated to affix his signature thereto.

Proof of failure to file list.

8. A certificate under the hand and seal of office of the Secretary of State of Canada that the aforesaid list and

summary in duplicate were not filed in the Department of the Secretary of State by a company pursuant to the provisions of this section shall be *primâ facie* evidence on a prosecution under subsection 5 of this section that such a list and summary were not filed in the Department of the Secretary of State.

Application of section.

9. This section shall, *mutatis mutandis*, be applicable to companies without share capital with respect to a list and summary setting out of particulars referred to in paragraphs (*a*), (*b*), (*c*), (*d*), (*j*) (with respect to bonds and debentures), (*n*), (*o*), (*p*), and (*r*) of subsection 2 of this section and to directors, managers and other officers of such companies.

Companies exempt.

10. Companies organized after the thirty-first day of March in any year shall not be subject to the provisions of this section until the thirty-first day of March of the following year.

Effect of failure to file list for three consecutive years.

11. The name of a company which, for three consecutive years, has omitted to file in the Department of the Secretary of State the said annual list and summary, may be given in whole or in part to a new company, unless the defaulting company, on notice by the Secretary of State of Canada by registered letter addressed to the company or its president as shown by its last return, proves to the satisfaction of the Secretary of State of Canada that it is still a subsisting company; provided that if at the end of one month from the date of such notice the Secretary of State of Canada shall not have received from the company or its president response to such notice, the company may be deemed not to be a subsisting corporation, and no longer entitled to the sole use of its corporate name; and further provided that when no annual list and summary has been filed by a company for three years immediately following its incorporation its name may be given to another company without notice, and such company shall be deemed not to be subsisting.

Special return on request by Secretary of State.

**12.** In addition to the list and summary required by section 11 of this Act, every company shall, whenever a written request is made by the Secretary of State of Canada therefor, furnish to him a list and summary, made up to such date as is specified by him, containing the particulars required by subsections 1, 2 and 3 of section 11 of this Act, and all the provisions of subsections 1 to 9, both inclusive, of the said section 11 shall apply to such list and summary.

Perusal of documents.

**13.** Any person may peruse the documents required by this Act to be filed by any company in the Department of the Secretary of State of Canada.

Fee.

2. For every such perusal there shall be paid such fee as may be from time to time established by the Governor in Council, not exceeding twenty-five cents for each inspection.

Certified copies.

3. Any person may require from the Department of the Secretary of State a certified copy of or extract from any letters patent incorporating a company under Part I of *The Companies Act*, or of any supplementary letters patent issued to a company under that Part, or a certified copy of or extract from any document required to be filed by this Act in the Department of the Secretary of State.

Fee.

4. For each such certified copy or extract there shall be paid such fee as may be from time to time established by the Governor in Council, not exceeding one dollar and fifty cents for a certified copy of any letters patent or supplementary letters patent, and not exceeding ten cents for each hundred words of such certified copy or extract.

Repeal.

**14.** Sections 92, 93, 94, 106 and 118 of *The Companies Act* are hereby repealed.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# A

An Act to amend The Companies Act.

Received and read a first time

Thursday, 25th January, 1917.

Second reading

Wednesday, 31st January, 1917.

HONOURABLE MR. POWER.

OTTAWA

Printed by J. DE L. TACHÉ

Printer to the King's most Excellent Majesty

1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL B.

An Act respecting The Essex Terminal Railway Company.

Preamble. 1902, c. 62; 1904, c. 76; 1906, c. 93; 1910, c. 98; 1915, c. 43.

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

Branch from Pelton to Ojibway authorized.

**1.** The Essex Terminal Railway Company, hereinafter called "the Company", may lay out, construct and operate a branch of its railway from a point on or near the navigable waters of the Detroit River, in or near the town of Ojibway, to a point at or near Pelton, in the County of Essex, a distance of about seven miles, where it may connect with the railways of the Michigan Central Railroad Company, the Pere Marquette Railroad Company and the Windsor, Essex and Lake Shore Rapid Railway Company, or with any of the said railways.

Limitation of time for construction.

**2.** If construction of the said branch is not commenced within two years after the passing of this Act, or if the said branch is not completed and put in operation within five years after the passing of this Act, the powers of construction conferred upon the Company by Parliament shall cease as respects so much of the said branch as then remains uncompleted.

Issue of securities.

**3.** The Company may issue bonds, debentures or other securities to the extent of forty thousand dollars per mile of single track of the said branch line of railway, with an additional amount of ten thousand dollars per mile of double track, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Bridge and tunnel connection.

**4.** The Company may,—

(*a*) connect its railway at or near Ojibway, and at or near Amherstburg, with any or all railway-bridges or railway-tunnels crossing the Detroit River at or near those places; and

Traffic agreements.

(*b*) enter into agreements for the use of the said bridges or tunnels, or any of them, or for the carrying of the Company's cars or traffic over or through the same.

Additional powers.

**5.** For the purposes of its undertaking and in connection with its railway, the Company may,—

Vessels and car-ferries.

(*a*) construct, acquire, charter, operate, and dispose of ships and vessels for the carriage of cars, passengers, and freight;

Agreements.

(*b*) subject to the provisions of section 364 of The Railway Act, enter into agreements with owners of ships and vessels for any such purposes;

Forwarding business.

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

Repeal. Vessels, etc.

**6.** Section 3 of chapter 98 of the statutes of 1910 is hereby repealed.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

B

An Act respecting The Essex Terminal Railway Company.

Received and read a first time

Wednesday, 7th February, 1917.

Second reading

Wednesday, 25th April, 1917.

Honourable MR. TAYLOR.

OTTAWA

Printed by J. DE L. TACHÉ

Printer to the King's most Excellent Majesty

1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL C.

An Act to limit the appellate jurisdiction of the Supreme Court of Canada.

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

Jurisdiction abolished in certain cases.

**1.** The appellate jurisdiction of the Supreme Court of Canada is abolished in all cases where the matter in dispute relates to property and civil rights in any of the provinces or to matters of a merely local or private nature and coming within the exclusive jurisdiction of the legislature of any of the provinces according to the meaning of *The British North America Act*, 1867, and Acts amending the same.

R.S., c. 139.

Exceptions.

**2.** This Act shall not apply to cases decided by the Exchequer Court of Canada nor to cases where the matter in dispute affects the constitutionality or validity of any act or statute of any of the said provincial legislatures, which cases continue to be subject to appeal to the said Supreme Court as now or hereafter shall be provided for.

Savings.

**3.** This Act shall not apply to appeals already instituted or pending before the said Supreme Court.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# C.

An Act to limit the appellate jurisdiction of the Supreme Court of Canada.

Received and read a first time

Wednesday, 25th April, 1917.

Second reading

Tuesday, 1st May, 1917.

Honourable Mr. Casgrain.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL D.

An Act concerning the payment of salaries or wages of employees 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.** Section 259 of *The Railway Act* is amended by adding thereto the following subsection:— R.S., c. 37; s. 259 amended. Payment of wages.

" **3.** The salary or wages of every person employed in the operation, maintenance or equipment of any railway company to which the Parliament of Canada has granted aid by means of subsidy or guarantee, shall be paid not less frequently than once in each two weeks during the term of employment of such person."

th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# D.

An Act concerning the payment of salaries or wages of employees of railway companies.

Received and read a first time

Thursday, 26th April, 1917.

Second reading

Tuesday, 5th June, 1917.

Honourable MR. ROBERTSON.

OTTAWA
Printed by J. DE L. TACHÉ
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1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL E.

An Act to incorporate The Kenora and English River 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.** William Miller, banker, Alfred LeRoy Williams, gentleman, Erie Miller, accountant, Charles Flatt, mechanical engineer, and Arthur Albert Macdonald, barrister-at-law, all of the city of Toronto, Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Kenora and English River Railway Company," hereinafter called "the Company."

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 Toronto.

Annual meeting.

**5.** The annual meeting of the shareholders shall be held on the second 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.

Railway authorized.

**7.** The Company may lay out, construct and operate a line of railway, of the gauge of four feet, eight and one-half inches, commencing at a point on the Transcontinental Railway in the district of Kenora in the province of Ontario, west of Superior Junction, thence northerly and westerly crossing the English River west of Lac Seul, thence northerly and westerly in the district of Patricia, thence westerly and southerly to and in the province of Manitoba to the city of Winnipeg in the said province.

Securities.

**8.** 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.

Consent of municipalities.

**9.** 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 municipality having jurisdiction over such highway, street or other public place, and if there be no such municipality, then without first obtaining the consent of the authority having jurisdiction over such highway, street or other public place, and upon the terms to be agreed upon with such municipality or such other authority.

Telegraphs and telephones.

R.S., c. 37.

**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 purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of *The Railway 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.

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, which may also revise such tolls and charges.

R.S., c. 126.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with *The Railway Act*, or with this Act, shall apply to the telegraphic business of the Company.

Electric and other power.

**11.** For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire, but not by expropriation, electric or other power or energy, which may be transmitted and

delivered to any place in the municipalities through which the railway is constructed; and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and may 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 or Railway Commissioners for Canada, which Board may also revise such rates and charges. R.S., c. 37.

Consent of municipalities for lines upon highways, etc.

**12.** 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, street or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or public place, or if there is no such municipality, then without first obtaining the consent of the authority having jurisdiction over such highway, street or public place, and upon terms to be agreed on with such municipality or such other authority, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality. R.S., c. 126.

Hotels, parks, etc.

**13.** The Company may, for the purposes of its undertaking, construct, acquire or lease buildings for hotels or 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, manage and lease parks and summer pleasure resorts with the approval, expressed by by-law of the municipality having jurisdiction over the place in which such parks and summer pleasure resorts are situated and upon terms to be agreed upon with such municipality.

Vessels, wharfs, docks, etc.

**14.** The Company may, for the purposes of its undertaking, construct, acquire, charter and navigate steam and other vessels for the conveyance of passengers, goods and merchandise; and may construct, acquire and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith, and may carry on the business of warehousemen and wharfingers; and charge wharfage and other dues for the use of any such property.

Borrowing.

**15.** In addition to the securities authorized by section 8 of this Act, the directors, if previously authorized as prescribed by section 136 of *The Railway Act*, may, from time to time, borrow moneys for the acquisition, construction, extension, or development of any such properties, assets, or works, other than the railway, as the Company is authorized to acquire, construct or operate; and to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or or terminable, or other securities; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of the properties, assets or works, in respect whereof the issue is made.

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 all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being The Grand Trunk Pacific Railway Company of Canada, The Canadian Pacific Railway Company, The Algoma Eastern Railway Company and The Canadian Northern Ontario Railway Company, and may also enter into similar agreements with the Government of Canada with respect to The National Transcontinental Railway.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL E

An Act to incorporate The Kenora and English River Railway Company.

Received and read a first time

Thursday, 26th April, 1917.

Second reading

Wednesday, 16th May, 1917.

HONOURABLE MR. BEITH.

OTTAWA
Printed by J. DE L. TACHÉ
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1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL F.

An Act for the relief of Delbert Ralph O'Neil.

Preamble.

WHEREAS Delbert Ralph O'Neil, of the city of Calgary, in the province of Alberta, has by his petition alleged, in effect, that on the first day of June, A.D. 1910, at the said city of Calgary, he was lawfully married to Rosena Ella Doolin; that she was then of the said city of Calgary, a spinster; that his legal domicile was then and is now in Canada; that since the said marriage she has on divers occasions 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 Delbert Ralph O'Neil and Rosena Ella Doolin, 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 Delbert Ralph O'Neil may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Rosena Ella Doolin had not been solemnized.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# F

An Act for the relief of Delbert Ralph O'Neil.

Received and read a first time

Thursday, 26th April, 1917.

Second reading

Wednesday, 16th May, 1917.

Honourable MR. TALBOT.

OTTAWA
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1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL G.

An Act for the relief of Edward Austin Barnwell.

Preamble.

WHEREAS Edward Austin Barnwell, of the city of Calgary, in the province of Alberta, locomotive foreman, has by his petition alleged, in effect, that on the second day of August, A.D. 1894, at Canmore, in the said province, he was lawfully married to Clara Carey; that she was then of Canmore aforesaid, a spinster; that his legal domicile was then and is now in Canada; that since the said marriage she has on divers occasions 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 Edward Austin Barnwell and Clara Carey, 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 Edward Austin Barnwell may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Clara Carey had not been solemnized.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# G

An Act for the relief of Edward Austin Barnwell.

Received and read a first time

Thursday, 26th April, 1917.

Second reading

Wednesday, 16th May, 1917.

Honourable Mr. Talbot.

OTTAWA
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1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL H.

An Act to incorporate The Khaki League.

Preamble.

WHEREAS a petition has been presented on behalf of the unincorporated association at present existing and known as "The Khaki League," praying that the association may be incorporated for the objects and with the powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** Arthur Richard Doble, banker, Robert Adair, merchant, and Austin C. Stead, accountant, all of the city of Montreal, together with such other persons as are now members of the association mentioned in the preamble to this Act, hereinafter called "the existing association," or as become in accordance with the provisions of this Act members of the association hereby incorporated, are hereby incorporated under the name of "The Khaki League," hereinafter called "the Association."

Head office

**2.** The head office of the Association shall be at the city of Montreal, in the province of Quebec, but the Association may, by by-law, change the head office to any other place in Canada.

Objects.

**3.** The objects of the Association shall be:—

(*a*) To look after the welfare and interests of soldiers and sailors of the British Empire and its allies;

(*b*) To establish, maintain and operate recreation rooms, institutes, clubs and homes for such soldiers and sailors, and convalescent homes, hospitals, employment and information bureaus, educational classes, libraries, and agencies intended for their benefit;

(*c*) To collect and establish funds for their benefit;

(*d*) To act as their agents;

(*e*) To establish memorials of their services and of those deceased;

(*f*) To provide for them legal, medical and technical advice.

Constitution, etc.

**4.** In so far as they are not contrary to law, nor inconsistent with the provisions of this Act, the constitution, by-laws and rules of the existing association at the date of the passing of this Act shall continue to be, respectively, the constitution, by-laws and rules of the Association until altered or amended in the manner prescribed by this Act.

Alteration.

2. The Association may, from time to time, alter or amend the said constitution, by-laws and rules in any manner not contrary to law nor inconsistent with the provisions of this Act.

Officers, directors, and committees.

**5.** The officers, general committee and other committees of the existing association shall continue to be, respectively, the officers, general committee and other committees of the Association until replaced by others in accordance with the constitution, by-laws and rules of the Association.

Annual general meeting.

**6.** There shall be held annually a general meeting of the Association at such place and time as may be determined by by-law of the Association. At every annual general meeting a full statement of the affairs of the Association shall be presented by the general committee, and the election of the general committee shall take place.

2. The first annual general meeting of the Association shall be held within six months after the passing of this Act, at such time and place as the general committee may appoint by notice given by registered letter mailed to each member of the Association not less than three weeks before the time so appointed.

By-laws.

**7.** The Association may, from time to time, make by-laws and rules, not contrary to law nor inconsistent with the provisions of this Act, for:—

(*a*) defining the terms and conditions of membership in the Association, and the rights, duties and privileges of all classes of members;

(*b*) the administration, management and control of the property, business and other affairs of the Association;

(*c*) the appointment, powers, duties, quorum, term of office, and method of election of the general committee;

(*d*) the appointment, designation, functions, duties and remuneration of all officers, agents and servants of the Association;

(*e*) the appointment of committees and the designation of their duties;

(*f*) the calling of meetings, annual or special, of the Association, and of meetings, periodical or special, of the general committee and other committees;

(*g*) the fixing of the quorum necessary at, the procedure in all respects at or concerning, and all other requirements of, any meeting of the Association, or of the general committee and other committees;

(*h*) generally, for carrying out the objects of the Association.

General powers.

**8.** The Association may, for the objects aforesaid,—

(*a*) manufacture, buy and sell goods, wares and merchandise made in whole or in part by disabled soldiers or sailors, and patents of invention and patent rights relating thereto, and engage in all kinds of commercial transactions incidental and necessary thereto;

(*b*) exhibit such goods, wares and merchandise wherever desirable, hold exhibitions thereof, and open depots, stores and factories thereof;

(*c*) appoint agents and instructors, and open schools and classes anywhere, for instruction in and concerning any of the objects of the Association.

Real property.

**9.** The Association may take, hold, possess and acquire by purchase, lease, exchange, donation, devise, bequest, endowment or otherwise, real or immovable property required for the actual use and occupation of the Association, or necessary or requisite for the carrying out of its objects; and may sell, mortgage, pledge, hypothecate or alienate such property in any manner whatever; but the annual value of such property shall not exceed one hundred thousand dollars; and any such property not required for the purposes of the Association shall be sold within ten years after its acquisition.

Trustees.

**10.** The Association may, after one month's notice in writing to every member, or after the insertion of notice for at least once a week, during the four consecutive weeks immediately preceding the meeting, in a daily newspaper published in the city of Montreal, elect, at the next ensuing annual general meeting, a board of trustees from among the life governors, to a number of not more than nine nor less than five, who alone shall have the sole right and duty to hold, manage and control all real or immovable property of the Association, and all sums designated by the Association as capital, and to invest all uninvested capital sums, change investments, reinvest, and to see to the safety,

permanence, repair, building, rebuilding and proper supervision of such real or immovable property and investments.

Term.

2. When elected the tenure of each trustee shall be for three years or such longer term or rotation of terms as the Association may fix from time to time. The board of trustees may elect a chairman and appoint such officers and make such regulations for the conduct of their duties as they may deem wise.

Officers.

Regulations.

Borrowing powers and investments.

**11.** If authorized by by-law, sanctioned by vote of not less than two-thirds of the members present at any general meeting of the Association duly called for considering the by-law, the general committee may, from time to time, as and when required for the objects of the Association,—

(*a*) borrow money upon the credit of the Association;

(*b*) limit or increase the amount to be borrowed;

(*c*) make, accept, draw, endorse and execute bills of exchange, promissory notes and other negotiable instruments;

(*d*) issue bonds, debentures, or other securities of the Association for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient;

(*e*) hypothecate, mortgage or pledge any real or personal property of the Association, to secure any money so borrowed for the objects of the Association, or any bonds, debentures or other securities so issued, pledged or sold;

(*f*) invest the funds of the Association in such manner and upon such securities as are determined by the by-law.

Powers and duties as to aids granted.

**12.** The Association may receive and distribute any gifts, grants of money, or contributions made by the Government of Canada, or by the Government of any province of Canada, or by any municipality, incorporated body, society, or person, for the objects of the Association, and shall apply the same in accordance with the terms, provisions, and conditions of such gifts, grants or contributions, or, if there be none such, in accordance with the objects set forth in section 3 of this Act.

Branches.

**13.** The Association may establish branches wherever and whenever it may decide to do so, and may carry on its operations outside of Canada wherever it may deem advisable, and may affiliate or amalgamate with any association having in whole or in part the same or similar objects, and all such associations are hereby authorized to enter into such affiliation or amalgamation.

Property of branches.

**14.** The property of each branch shall be liable only for the obligations and debts of that branch.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# H

An Act to incorporate The Khaki League.

Received and read a first time

Tuesday, 22nd May, 1917.

Second reading

Thursday, 24th May, 1917.

Honourable MR. CASGRAIN.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL I.

An Act to incorporate The Canadian Division of the Aerial League of the British Empire.

Preamble.

WHEREAS a petition has been presented on behalf of the unincorporated association at present existing and known as "The Canadian Division of the Aerial League of the British Empire, Montreal Branch," praying that the association may be incorporated for the objects and with the powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** Sir Herbert S. Holt, Knt., the Honourable Sir Charles P. Davidson, K.C., the Honourable Jacques P. B. Casgrain, senator, William A. Black and George E. Drummond, merchants, Arthur K. Fisk, accountant, and George R. Lighthall, notary, officers of the said unincorporated association; and the following who are honorary officers and members thereof: The Baron Shaughnessy, of Montreal and Ashford, K.C.V.O., The Right Honourable Sir Robert Borden, P.C., G.C.M.G., The Right Honourable Sir Wilfrid Laurier, P.C., G.C.M.G., all three Honorary Presidents; Brigadier-General Alfred E. Labelle, Messrs. Frederick L. Wanklyn, Anthony D. MacTier, Huntley R. Drummond, Charles Fergie, James H. Sherrard, James S. Brierley, J. H. Magor, William McMaster, George G. Foster, K.C., Guy Toombs, John J. McGill, Lansing Lewis, D.C.L., William M. Birks, James Davidson, Thomas J. Hodgson, Edson Joseph Chamberlain, the Honourable Raoul Dandurand, senator, K.C., John K. L. Ross, Major-General Erasmus W. Wilson, Sir William Peterson, K.C.M.G., William G. Ross, the Honourable Charles P. Beaubien, senator, Farquhar Robertson, Sir Herbert B. Ames, Knt., James N. Greenshields, K.C., George Harrower, Geroge F. Benson, Sir Frederick Williams-Taylor, Knt., LL.D., Edwin Hanson, Colin J. McCuaig, Henry B. Walker, Harold Hampson, the Honourable Nathaniel Currie, senator, William R.

MacInnes, Kenneth W. Blackwell, James Carruthers, the Honourable Narcisse Perodeau, M.E.C., M.L.C., Walter R. Baker, Robert S. Logan, John W. Ross, William Miller, Charles S. Hosmer, Howard Kelly, Charles E. Neill and Edson L. Pease, all of the city of Montreal, together with such other persons as are now members of the association mentioned in the preamble to this Act, hereinafter called " the existing association," or as become in accordance with the provisions of this Act members of the association hereby incorporated, are hereby incorporated under the name of " The Canadian Division of the Aerial League of the British Empire," hereinafter called " the Association."

Head office.

**2.** The head office of the Association shall be at the city of Montreal, in the province of Quebec, but the Association may, by by-law, change the head office to any other place in Canada.

Objects.

**3.** The objects of the Association shall be:—

(*a*) To encourage and stimulate the invention and manufacture of aerial craft and things appertaining thereto;

(*b*) To disseminate knowledge and spread information showing the vital importance to the British Empire of aerial supremacy, upon which its commerce, communications, defence and its very existence may largely depend;

(*c*) To use every constitutional means to bring about the objects for which the Association is established and to invite the support of men of all shades of opinion throughout the Dominions and dependencies of the Empire;

(*d*) To provide reading-rooms and aeronautical reference and lending libraries for the use of members;

(*e*) To appoint honorary expert advisory committees to report and advise on aeronautical inventions in consultation with the central committee in London;

(*f*) To give information about schools for learning the art of flying and to assist those desiring appointments in the Royal Flying Services and to afford information with regard to aviation in general;

(*g*) To assist the dependents of airmen who lose their lives on active service;

(*h*) To hold lectures, give demonstrations and generally arouse public interest in aviation; and

(*i*) To provide landing grounds for aerial craft.

Constitution, etc.

**4.** In so far as they are not contrary to law, nor inconsistent with the provisions of this Act, the constitution,

by-laws and rules of the existing association at the date of the passing of this Act shall continue to be, respectively, the constitution, by-laws and rules of the Association until altered or amended in the manner prescribed by this Act.

Alteration.

2. The Association may, from time to time, alter or amend the said constitution, by-laws and rules in any manner not contrary to law nor inconsistent with the provisions of this Act.

Officers, directors, and committees.

**5.** The officers, executive committee and other committees of the existing association shall continue to be, respectively, the officers, executive committee and other committees of the Association until replaced by others in accordance with the constitution, by-laws and rules of the Association.

Annual general meeting.

**6.** There shall be held annually a general meeting of the Association at such place and time as may be determined by by-law of the Association. At every annual meeting a full statement of the affairs of the Association shall be presented by the executive committee, and the election of the executive committee shall take place.

2. The first annual general meeting of the Association shall be held within six months after the passing of this Act, at such time and place as the executive committee may appoint by notice given by registered letter mailed to each member of the Association not less than three weeks before the time so appointed.

By-laws.

**7.** The Association may, from time to time, make by-laws and rules, not contrary to law nor inconsistent with the provisions of this Act, for:—

(*a*) defining the terms and conditions of membership in the Association, and the rights, duties and privileges of all classes of members;

(*b*) the administration, management and control of the property, business and other affairs of the Association;

(*c*) the appointment, powers, duties, quorum, term of office, and method of election of the executive committee;

(*d*) the appointment, designation, functions, duties and remuneration of all officers, agents and servants of the Association;

(*e*) the appointment of committees and the designation of their duties;

(*f*) the calling of meetings, annual or special, of the Association, and of meetings, periodical or special, of the executive committee and other committees;

(*g*) the fixing of the quorum necessary at, the procedure in all respects at or concerning, and all other requirements of, any meeting of the Association, or of the executive committee and other committees;

(*h*) generally, for carrying out the objects of the Association.

General powers.

**8.** The Association may, for the objects aforesaid,—

(*a*) manufacture, buy and sell goods, wares and merchandise and patents of invention and patent rights, and engage in all kinds of commercial transactions incidental and necessary thereto;

(*b*) exhibit goods wherever desirable, hold exhibitions, and open depots, stores and factories;

(*c*) appoint agents and instructors, and open schools and classes anywhere, for instruction in and concerning any of the objects of the Association.

Real property.

**9.** The Association may take, hold, possess and acquire by purchase, lease, exchange, donation, devise, bequest, endowment or otherwise, real or immovable property required for the actual use and occupation of the Association, or necessary or requisite for the carrying out of its objects; and may sell, mortgage, pledge, hypothecate or alienate such property in any manner whatever; but the annual value of such property shall not exceed fifty thousand dollars; and any such property not required for the purposes of the Association shall be sold within ten years after its acquisition.

Borrowing powers and investments.

**10.** If authorized by by-law, sanctioned by vote of not less than two-thirds of the members present at any general meeting of the Association duly called for considering the by-law, the executive committee may, from time to time, as and when required for the objects of the Association,—

(*a*) borrow money upon the credit of the Association;

(*b*) limit or increase the amount to be borrowed;

(*c*) make, accept, draw, endorse and execute bills of exchange, promissory notes and other negotiable instruments;

(*d*) issue bonds, debentures, or other securities of the Association for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient;

(*e*) hypothecate, mortgage or pledge any real or personal property of the Association, to secure any money so borrowed for the objects of the Association, or any bonds, debentures or other securities so issued, pledge or sold;

(*f*) invest the funds of the Association in such manner and upon such securities as are determined by the by-law.

Powers and duties as to aids granted.

**11.** The Association may receive and distribute any gifts, grants of money, or contributions made by the Government of Canada, or by the Government of any province of Canada, or by any municipality, incorporated body, society, or person, for the objects of the Association, and shall apply the same in accordance with the terms, provisions, and conditions of such gifts, grants or contributions, or, if there be none such, in accordance with the objects set forth in section 2 of this Act.

Branches.

**12.** The Association may establish branches wherever and whenever it may decide to do so, and may carry on its operations outside of Canada wherever it may deem advisable, and may affiliate or amalgamate with any association having in whole or in part the same or similar objects, and all such associations are hereby authorized to enter into such affiliation or amalgamation.

Property of branches.

**13.** The property of each branch shall be liable only for the obligations and debts of that branch.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# I

An Act to incorporate The Canadian Division of the Aerial League of the British Empire.

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Received and read a first time

Tuesday, 22nd May, 1917.

Second reading

Thursday, 24th May, 1917.

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Honourable MR. CASGRAIN.

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OTTAWA
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7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL J.

An Act for the relief of Charles Frederick Reuben Jones.

Preamble.

WHEREAS Charles Frederick Reuben Jones, of the city of Westmount, in the province of Quebec, sales manager, has by his petition alleged, in effect, that on the tenth day of September, A.D. 1898, at the city of Quebec, in the said province, he was lawfully married to Mary Eleanor Murray; that she was then of the said city of Quebec, a spinster; that his legal domicile was then and is now in Canada; that since the said marriage she has on divers occasions 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 Charles Frederick Reuben Jones and Mary Eleanor Murray, 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 Frederick Reuben Jones may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Mary Eleanor Murray had not been solemnized.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# J

An Act for the relief of Charles Frederick Reuben Jones.

Received and read a first time

Wednesday, 23rd May, 1917.

Second reading

Tuesday, 29th May, 1917.

Honourable Mr. De Veber.

OTTAWA
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7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL K.

An Act for the relief of Florence Amelia Kennedy.

Preamble.

WHEREAS Florence Amelia Kennedy, presently residing at the city of Kingston, in the province of Ontario, wife of Charles John Kennedy, of the township of Pittsburgh, county of Frontenac, in the province of Ontario, farmer, has by her petition alleged, in effect, that they were lawfully married on the eighteenth day of October, A.D. 1899, at the town of Brockville, in the said province, she then being Florence Amelia Kincaid, spinster; that the legal domicile of the said Charles John Kennedy was then and is now in Canada; that since the said marriage he has 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 Florence Amelia Kincaid and Charles John Kennedy, 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 Florence Amelia Kincaid may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles John Kennedy had not been solemnized.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# K

An Act for the relief of Florence Amelia Kennedy.

Received and read a first time

Wednesday, 23rd May, 1917.

Second reading

Tuesday, 29th May, 1917.

Honourable Mr. Taylor.

OTTAWA
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7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL L.

An Act for the relief of John Bassnett Parker.

Preamble.

WHEREAS John Bassnett Parker, of the city of Toronto, in the province of Ontario, electrician, has by his petition alleged, in effect, that on the third day of January, A.D. 1907, at the Parish of Kingston, Island of Jamaica, he was lawfully married to Margaret Jessie Braithwaite; that she was then of the said Parish of Kingston, a spinster; that his legal domicile is now in Canada; that since the said marriage she has on divers occasions 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 John Bassnett Parker and Margaret Jessie Braithwaite, 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 Bassnett Parker may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Margaret Jessie Braithwaite had not been solemnized.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# L

An Act for the relief of John Bassnett Parker.

Received and read a first time

Wednesday, 23rd May, 1917.

Second reading

Tuesday, 29th May, 1917.

Honourable Mr. Taylor.

OTTAWA
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1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL M.

An Act for the relief of Amy Beatrice Mathews Hilton.

Preamble.

WHEREAS Amy Beatrice Mathews Hilton, presently residing at the city of Westmount, in the province of Quebec, wife of Ernest Edward Hilton, of the city of Montreal, in the said province, transportation agent, has by her petition alleged, in effect, that they were lawfully married on the sixteenth day of May, A.D. 1906, at the said city of Montreal, she then being Amy Beatrice Mathews, spinster; that the legal domicile of the said Ernest Edward Hilton was then and is now in Canada; that since the said marriage he has on divers occasions 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: Therefor 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 Amy Beatrice Mathews and Ernest Edward Hilton, 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 Amy Beatrice Mathews may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ernest Edward Hilton had not been solemnized.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# M

An Act for the relief of Amy Beatrice Mathews Hilton.

Received and read a first time

Wednesday, 23rd May, 1917.

Second reading

Tuesday, 29th May, 1917.

Honourable MR. GORDON.

OTTAWA
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1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL N.

An Act respecting The Western Life Assurance Company.

WHEREAS The Western Life Assurance Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1914, c. 126.

**1.** Notwithstanding anything in section 78 of *The Insurance Act, 1910*, or in the Act, incorporating The Western Life Assurance Company, chapter 126 of the statutes of 1914, the said chapter shall be deemed not to have expired and ceased to be in force after the twenty-sixth day of May, 1916, but to have continued and to be in force for all purposes thereof whatsoever until the twenty-seventh day of May A.D., 1918; and the Minister of Finance may, at any time not later than the twenty-sixth day of May, 1918, and subject to all other provisions of *The Insurance Act, 1910*, grant to that Company the license necessary for carrying on business. Extension of time for license. 1910, c. 32.

**2.** If the Company has not obtained the said license before the twenty-seventh day of May, 1918, the said chapter 126 shall then expire and cease to be in force thereafter, except for the sole purpose of winding up the Company's business, but totherwise shall remain in full force and effect for all purposes thereof whatsoever. Limitation.

7th Session, 12th Parliament, 7 George V. 1917

THE SENATE OF CANADA.

# BILL

# N

An Act respecting The Western Life Assurance Company.

Received and read a first time

Tuesday, 29th May, 1917.

Second reading

Thursday, 31st May, 1917.

Honourable MR. WATSON.

OTTAWA
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7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL O.

An Act respecting a patent of Ernest Mead Baker.

Preamble.

WHEREAS Ernest Mead Baker has by his petition represented that he is the holder of a patent, number one hundred and twenty-five thousand five hundred and sixty-five, for sash structures, issued under the seal of the Patent Office of Canada, and dated the tenth day of May, one thousand nine hundred and ten; that the said patent has expired by reason of the non-payment of the fees required by *The Patent Act*; 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:—

Power to receive fees and extend term.

**1.** Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive from the said Ernest Mead Baker an application for a certificate of payment of further fees, and the usual fees for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said Ernest Mead Baker the certificate of payment of further fees provided for by *The Patent Act*, and an extension 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 and the fees paid within six years from the date of the issue of the said patent.

R.S., c. 69.

Certain rights saved.

**2.** If any person has, in the period between the expiry of six years from the date of the said patent, and the twenty-fourth day of March, one thousand nine hundred and seventeen, commenced to construct, manufacture, use or sell in Canada the invention covered by the said patent, such person may continue to construct, manufacture, use or sell the said invention in as full and ample a manner as if this Act had not been passed.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# O

An Act respecting a patent of Ernest Mead Baker.

Received and read a first time

Tuesday, 29th May, 1917.

Second reading

Thursday, 31st May, 1917.

Honourable MR. BELCOURT.

OTTAWA
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7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

# BILL P.

An Act to incorporate The Army and Navy Veterans in Canada.

Preamble.

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

Incorporation.

**1.** Major-General John Hughes, Major-General Henry N. Ruttan, Captain Sir Hugh John Macdonald, Lieutenant-Colonel Sir Daniel Hunter McMillan, Judge David Marr Walker, Lieutenant-Colonel George Frederick Carruthers, J. Hilliard Leech, K.C., Major George F. R. Harris, Judge George Patterson, Lieutenant William Allen Shepard, William Johnston Tupper, K.C., Major Philip Edwards Prideaux, Captain Reginald Alton Tijon Alton, Edward W. Low, David J. Dyson, Bartholomew Murphy, Samuel Pearson, Samuel Simpson, and Joseph Henry Hammond together with such other persons as become members of the Association hereby incorporated are hereby constituted a body corporate under the name of " The Army and Navy Veterans in Canada," hereinafter called " the Association."

Name.

Objects.

**2.** The purposes and objects of the Association shall be:—

(*a*) To unite fraternally all persons who have served as soldiers or sailors under the British flag, and are entitled to become members under the constitution and by-laws of the Association, into a body of retired soldier and sailor veterans of a non-partisan and non-sectarian character, for purposes of good-fellowship, mutual improvement and assistance, and patriotic endeavour and service to the Empire;

(*b*) To increase the public influence of veterans by organization, by parades and by giving as an entity expressions of opinion upon public questions affecting the rights of veterans or concerning the welfare of the whole or any part of the Empire;

(*c*) To stimulate the spirit of patriotism in Canada and to promote, on sound and enduring principles of equality of rights, a Greater Britain, by a closer unity and co-ordination of the Overseas Dominions with the mother-country;

(*d*) To assist the Empire when occasion requires in enlisting recruits for His Majesty's forces;

(*e*) To acquire, maintain and operate clubs, homes, and meeting places for the benefit of veterans, and to furnish, stock and equip the same with such furniture, furnishings, plant, animals, implements, equipment appliances, libraries, and means of entertainment and amusement, as may by the association be considered desirable;

(*f*) To acquire and maintain museums in connection with any premises of the Association for the interest, education or benefit of its members;

(*g*) To levy upon its members, or upon bodies to whom it has granted charters as authorized herein, fees or assessments from time to time as may be required for the support of the Association and the carrying out of its objects; and to raise funds for the purpose of the Association by such means, with others, as providing entertainments, operating canteens and places of refreshment and amusement;

(*h*) To assist the Canadian forces, or any forces of the Empire on active service either within or beyond the Empire, by establishing, operating and maintaining canteens and establishments for the rest and comfort of and as meeting places for those composing such forces.

Head office.

**3.** The head office of the Association shall be in the city of Winnipeg, in the province of Manitoba, or in such other place in Canada as may from time to time be determined by the Association.

Directors.

**4.** The Association shall be governed and its affairs shall be managed by a board of directors to be chosen in such manner and number, from time to time, as may be determined by the by-laws of the Association.

By-laws.

**5.** (1) The directors of the Association may, from time to time, make, repeal, amend or re-enact by-laws and rules, not contrary to law nor inconsistent with the provisions of this Act, for:—

(*a*) defining the terms and conditions of membership in the Association, and the rights, duties and privileges of all classes of members;

(*b*) the administration, management and control of the property, business and other affairs of the Association;

(*c*) the appointment, powers, duties, quorum, term of office, and method of election of the directors;

(*d*) the appointment, designation, functions, duties and remuneration of all officers, agents and servants of the Association;

(*e*) the appointment of committees and the designation of their duties;

(*f*) the calling of meetings, annual or special, of the Association, and of meetings, periodical or special, of the directors and of committees;

(*g*) the fixing of the quorum necessary at, the procedure in all respects at or concerning, and all other requirements of, any meeting of the Association, or of its directors or committees;

(*h*) generally, for carrying out the objects of the Association.

(2) Every such by-law, excepting by-laws made respecting officers, agents and servants of the Association, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Association duly called for that purpose, shall only have force until the next annual meeting of the Association, and in default of confirmation thereat, shall, at and from that time, cease to have force.

Branches.

**6.** Subject to the constitution, by-laws and rules of the Association, branches of the Association may be established at any place in Canada, under such title and designation and subject to such conditions and provisions, and with such power not exceeding those conferred upon the Association by this Act, as the Association may determine by by-law.

Real property.

**7.** The Association may take, hold, possess and acquire by purchase, lease, exchange, donation, devise, bequest, endowment or otherwise, real or immovable property required for the actual use and occupation of the Association, or necessary or requisite for the carrying out of its purposes and objects; and may sell, mortgage, pledge, hypothecate or alienate such property in any manner whatever; but the annual value of such property shall not exceed one hundred thousand dollars; and any such property not required for the purposes and objects of the Association shall be sold within ten years after its acquisition.

Borrowing powers and investments.

**8.** (1) If authorized by by-law, sanctioned by the vote of not less than two-thirds of the members present at any general meeting of the Association duly called for considering the by-law, the directors may, from time to time, as and when required for the objects of the Association,—

(*a*) borrow money upon the credit of the Association;

(*b*) limit or increase the amount to be borrowed;

(*c*) make, accept, draw, endorse and execute bills of exchange, promissory notes and other negotiable instruments;

(*d*) issue bonds, debentures, or other securities of the Association for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient;

(*e*) hypothecate, mortgage or pledge any real or personal property of the Association, to secure any money so borrowed for the objects of the Association, or any bonds, debentures or other securities so issued, pledged or sold;

(*f*) invest the funds of the Association in such manner and upon such securities as are determined by the by-law.

(2) Nothing in this section shall be construed to authorize the Association to issue any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance.

First meeting.

**9.** The fifteen persons first named in section 1 of this Act, or a majority of them, shall have authority to call the first meeting of the Association at such time and place as they may agree upon and on such notice as they may consider sufficient for the purpose.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

P

An Act to incorporate The Army and Navy Veterans in Canada.

**Reprinted with amendments as reported from the Committee on Banking and Commerce, 30th August, 1917.**

Honourable Mr. Sharpe.

OTTAWA
Printed by J. de L. Taché
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7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

# BILL Q.

An Act respecting The Vancouver Life Insurance Company.

WHEREAS The Vancouver 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:— 1912, c. 164. 1914, c. 125. 1915, c. 66. 1916, c. 8.

**1.** Notwithstanding anything in section 78 of *The Insurance Act, 1910*, or in the Acts, chapter 164 of the statutes of 1912, incorporating The Vancouver Life Insurance Company, chapter 125 of the statutes of 1914, chapter 66 of the statutes of 1915, and chapter 8 of the statutes of 1916, the said chapter 164 shall be deemed not to have expired and ceased to be in force at the end of the present session of Parliament, but to have continued and to be in force, for all purposes thereof whatsoever, until the thirtieth day of June, 1918; and the Minister of Finance may, at any time not later than the twenty-ninth day of June, 1918, and subject to all other provisions of *The Insurance Act, 1910*, grant to that company the license necessary for carrying on business. Extension of time. 1910, c. 32.

**2.** If the company has not obtained the said license before the thirtieth day of June, 1918, the said chapter 164 of the statutes of 1912 shall then expire and cease to be in force thereafter, except for the sole purpose of winding up the company's business, but otherwise shall remain in full force and effect for all purposes thereof whatsoever. Limitation.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# Q

An Act respecting The Vancouver Life Insurance Company.

Received and read a first time

Tuesday, 29th May, 1917.

Second reading

Thursday, 31st May, 1917.

Honourable MR. BOSTOCK.

OTTAWA
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7th Session. 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL R.

An Act respecting The Security Life Insurance Company of Canada.

WHEREAS The Security Life Insurance Company of Canada, 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:— 1907, c. 120. 1909, c. 123. 1912, c. 149.

**1.** The Company may by by-law increase the number of its shareholder directors from nine to not more than fifteen. Directors.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# R

An Act respecting The Security Life Insurance Company of Canada.

Received and read a first time

Tuesday, 29th May, 1917.

Second reading

Thursday, 31st May, 1917.

Honourable Mr. Bostock.

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7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL S.

An Act respecting The Canada Preferred Insurance Company.

WHEREAS The Canada Preferred 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:— 1913, c. 88. 1915, c. 61.

**1.** Section 1 of chapter 88 of the statutes of 1913 incorporating The Canada Preferred Insurance Company is hereby amended by striking out the words "Samuel J. Slack," and inserting in lieu thereof the words "William C. Shelly." Incorporators.

**2.** Notwithstanding anything in section 78 of *The Insurance Act, 1910*, or in the Acts, chapter 88 of the statutes of 1913 incorporating the said company, and chapter 61 of the statutes of 1915, the said Act, chapter 88, shall be deemed not to have expired and ceased to be in force after the ninth day of April, 1917, but to have continued and to be in force, for all purposes thereof whatsoever, until the tenth day of April, 1919, and the Minister of Finance may, at any time not later than the ninth day of April, 1919, and subject to all other provisions of *The Insurance Act, 1910*, grant to that company the license necessary for carrying on business. Extension of time for license. 1910, c. 32.

**3.** If the company has not obtained the said license before the tenth day of April, 1919, the said Act, chapter 88 of the statutes of 1913, shall then expire and cease to be in force thereafter, except for the sole purpose of winding up the company's business, but otherwise shall remain in full force and effect for all purposes thereof whatsoever. Limitation.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# S

An Act respecting The Canada Preferred Insurance Company.

Received and read a first time

Tuesday, 29th May, 1917.

Second reading

Thursday, 31st May, 1917.

Honourable MR. BOSTOCK.

OTTAWA
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7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL T.

An Act to authorize the issue of a patent to James Wallace Tygard.

Preamble.

WHEREAS James Wallace Tygard, of the city of Toronto, in the province of Ontario, has by his petition represented that he is the inventor of certain new and useful improvements in internal combustion engines, for which a patent in the United States of America was issued to him on the twenty-ninth day of December, one thousand nine hundred and fourteen, under the number one million one hundred and twenty three thousand and thirty nine; and whereas he failed to apply for a patent in Canada for the said invention, within the time specified in section 8 of *The Patent Act;* and whereas, on the sixteenth day of March, one thousand nine hundred and seventeen, he applied to the Commissioner of Patents for a patent in Canada for the said invention; and whereas, he hath 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., c. 69.

Power to issue a Canadian patent.

**1.** Notwithstanding anything contained in *The Patent Act*, the Commissioner of Patents may grant and issue a patent in Canada for the invention applied for by the said James Wallace Tygard on the sixteenth day of March, one thousand nine hundred and seventeen, and covered by the said United States patent number one million one hundred and twenty three thousand and thirty nine, and the said patent, when issued, shall be valid and of full force and effect notwithstanding the failure to apply therefor within the time specified under said Section 8 of *The Patent Act;* but the said patent, notwithstanding anything therein, or in this Act contained, shall cease and determine

R.S., c. 69.

Term of such patent.

on the twenty-ninth day of December, one thousand nine hundred and thirty three.

Certain rights saved.

**2.** If any person has, before the sixteenth day of March, one thousand nine hundred and seventeen, commenced in Canada to construct, manufacture, use or sell the invention covered by the said United States patent number one million one hundred and twenty three thousand and thirty nine, then such person may continue to construct, manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

T

An Act to authorize the issue of a patent to James Wallace Tygard.

Received and read a first time

Tuesday, 29th May, 1917.

Second reading

Thursday, 31st May, 1917.

HONOURABLE MR. MCCALL.

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7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL U.

An Act to incorporate The Great War Veterans Association 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.** W. P. Purney, of the city of Halifax, in the province of Nova Scotia; S, C. Tippett, of the city of St. John, in the province of New Brunswick; J. R. Anderson, N, Marion, H. Stevenson, and A. R. Baldock, all of the city of Montreal, in the province of Quebec; J. T. Murray, of the city of Lachine, in the province of Quebec; K. C. MacPherson, J. Zivian, and J. B. Henshaw, all of the city of Ottawa, in the province of Ontario; J. J. Shanahan, W. E. Turley, and W. Rowe Whitton, all of the city of Toronto, in the province of Ontario; L. D. Watson, of Brantford, R. Dawson, of Hamilton, F. W. Tresham, of Hamilton, L. Victor, of Peterborough, L. E. Lowman, of Woodstock, J. Coulthart, of Galt, N. F. R. Knight, of Windsor, C. W. McKnight, of St. Catherines, A. Hagur, of Port Arthur, all in the province of Ontario; A. J. Hay, F. W. Law, and J. F. Down, all of the city of Winnipeg; E. Manley, of Dauphin, J. H. Marshall, of Brandon, O. Courtice, of Brandon, all in the province of Manitoba; A. M. White, E. Swain, both of the city of Moose Jaw, W. J. Moore, of Saskatoon, J. Finn, of Prince Albert, all in the province of Saskatchewan; J. S. Smith, of Edmonton, H. R. Peat, of Edmonton, W. A. Irwin, of Edmonton, J. Pettigrew, of Calgary, J. A. Guilfoyle, of Calgary, G. Wells, of Calgary, all in the province of Alberta; J. Robinson, H. E. Stafford, of Vancouver, H. A. Lees, of North Vancouver, D. M. Campbell, of Victoria, F. Roberts, of Nelson, T. A. Walsh, New Westminster, H. O. Crew, of Prince Rupert, all in the province of British Columbia; and such others as are

now or may hereafter become members of the Association are hereby incorporated under the name of "The Great War Veterans Association of Canada" hereinafter called "the Association."

Officers—continued.

**2.** The present officers and members of the committees of the unincorporated association heretobefore existing shall, subject to the by-laws thereof, continue to hold their offices until their successors have been elected in accordance with the provisions of this Act.

Head Office.

**3.** The head office of the Association shall be in the city of Ottawa, in the province of Ontario.

Governing body.

**4.** The Association shall be governed by such officers and committees as are, from time to time, determined by the by-laws of the Association.

First general meeting.

**5.** The first general meeting of the Association shall be held within two years after the passing of this Act, at such place and time as the provisional executive committee may direct, by notice mailed to each of the incorporators two weeks before the holding of such general meeting.

Objects.

**6.** The objects of the Association shall be:—

(*a*) To perpetuate the close and kindly ties of mutual service in the Great War, and the recollections and associations of that experience, and to maintain proper standards of dignity and honor amongst all returned soldiers;

(*b*) To preserve the memory and records of those who suffered and died for the nation. To see to the erection of monuments and memorials to their valour, the provision of suitable burial places, and the establishment of an annual memorial day;

(*c*) To ensure that provision is made for the due care of the sick, wounded and needy among those who have served, including reasonable pensions, employment for such as are capable, soldiers' homes, medical care and proper provision for dependent families of enlisted men;

(*d*) To inculcate constantly loyalty to Canada and the Empire and unstinted service in their interests;

(*e*) To establish, maintain and operate clubs, club-rooms, hospitals, employment and information bureaus, industrial and other educational schools and facilities, libraries and establishments for the benefit of and promotion and advancement generally of the interests of such soldiers;

(*f*) To raise funds for all purposes of the Association by fees from members as well as by public and private grants;

(*g*) To promote recruiting and enlistment and to assist forces in active service by operating hospitals, convalescent homes, canteens and other like institutions;

(*h*) To do all such other and lawful acts and things relative or incidental to the said objects as may be found necessary or expedient.

By-laws.

**7.** The Association may, from time to time, make by-laws, not contrary to law, nor to the provisions of this Act, for defining and regulating,—

(*a*) the terms and conditions of membership in the Association, including qualification, admission and expulsion of members; the fees and dues to be imposed and the rights, duties and privileges of all classes of members;

(*b*) the constitution, powers, duties, quorum, term of office, number and method of election of its officers and committees;

(*c*) the time and place for holding in Canada annual and special general meetings of the Association, and the notice and other requirements thereof;

(*d*) the administration, management and control of the funds, property, business and other temporal affairs of the Association;

(*e*) the appointment, functions, duties and remuneration of all officers, agents and servants of the Association;

(*f*) the appointment of committees and their duties;

(*g*) generally, for the carrying out of the objects and purposes of the Association.

Branches.

**8.** Subject to the constitution and by-laws of the Association, branches may be established in Canada, under such title and designation and subject to such conditions and provisions and with such powers, not in excess of those conferred on the Association, as the Association may determine by by-law.

Property.

**9.** The Association may, for the purposes of carrying out the objects defined in section 6,—

(*a*) subject to provincial laws, acquire by purchase, lease, gift, legacy or otherwise, and own and hold any real estate and property, rights or privileges, and sell, manage, develop, lease, mortgage, dispose of or otherwise deal therewith in such manner as may be determined: Provided that the value of the real estate held

by the Association at the place where its head office is situated, or at any place in Canada where a branch of the Association may be established, shall not exceed at any time at any such place the sum of one hundred thousand dollars;

(*b*) make, accept, draw, and endorse and execute bills of exchange, promissory notes and other negotiable instruments;

(*c*) invest the surplus funds of the Association in such manner and upon such securities as may be determined;

(*d*) borrow money as and when required for the purposes of the Association;

(*e*) do such other lawful acts and things as are incident or conducive to the attainment of the objects of the Association.

Powers and duties as to aid granted.

**10.** The Association may receive and distribute any gifts, grants of money, or contributions made by the Govment of Canada, or by the Government of any province of Canada, or by any municipality, incorporated body, society, or person, and shall apply the same in accordance with the terms, provisions and conditions of such gifts, grants or contributions; or, if there be none such, in accordance with the objects set forth in section 6 of this Act.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# U

An Act to incorporate The Great War Veterans Association of Canada.

Received and read a first time

Tuesday, 29th May, 1917.

Second reading

Thursday, 31 May, 1917.

Honourable Mr. Dennis.

OTTAWA
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7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL V.

An Act to incorporate The Dominion Council of The Girl Guides Association.

WHEREAS The Girl Guides Association was duly incorporated in the United Kingdom by Imperial Royal Charter and a branch of the Association has been established in Canada and is governed by a Dominion Council; 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.** Lady Pellatt, Mrs. F. H. Torrington, Mrs. H. P Plumptree, Mrs. Helen C. Parker, Miss Edith M. Mairs, Mrs. P. L. Mason, Mrs. A. E. Gooderham, Mrs. Sarah Warren and Mrs. Robert A. Falconer, all of the city of Toronto, in the province of Ontario, and their successors in the corporation hereby created, are hereby incorporated under the name of "The Dominion Council of The Girl Guides Association", hereinafter called "the Corporation".

Name.

Purposes and powers

**2.** (1) The purposes and powers of the Corporation shall be to promote and carry out in Canada the objects of the said Association, namely:—

(*a*) The instructing of girls in the principles of discipline, loyalty, and good citizenship, and otherwise as provided in and by the Royal Charter of the said Association;

(*b*) To promote and make, and assist in the establishment of, provincial and local associations, committees, and councils, on such terms and under such regulations as the Corporation may from time to time by by-law provide;

(*c*) To publish, distribute, and sell books and other information for the furtherance of the objects of the Association in Canada;

(*d*) Generally to do all things necessary or requisite for providing and maintaining an efficient organization for the purposes of the Association in Canada.

(2) For any of the purposes authorized by this Act, the Corporation may by by-law or resolution delegate any of its powers to the executive committee, provided for by this Act.

Head office.

**3.** The head office of the Corporation shall be in the city of Toronto, or elsewhere as may be fixed by by-law from time to time.

Provisional executive committee.

**4.** The five persons first named in section 1 of this Act shall be the provisional executive committee of the Corporation, and until the first general meeting of the Corporation may exercise on its behalf all the powers conferred by this Act on the Corporation.

First general meeting.

**5.** The first general meeting of the Corporation shall be held within one year after the passing of this Act, at such place and time as the provisional executive committee may direct, by notice mailed to each of the incorporators one week before the holding of such general meeting.

Executive committee.

**6.** At the first general meeting of the Corporation, and at each subsequent annual general meeting, the Corporation shall elect an executive committee from among its members, in manner provided by the by-laws of the Corporation from time to time in force.

By-laws.

**7.** The Corporation, at its first general meeting, and thereafter at any annual or special general meeting, may make, amend, or repeal by-laws and regulations for all purposes of the Corporation, and for defining and regulating—

(*a*) the terms and conditions of membership in the Corporation, and the rights, duties, and privileges of all classes of members;

(*b*) the constitution, powers, duties, quorum, term of office, and method of election of the executive committee, and the number, powers and duties of the officers of the Corporation;

(*c*) the time and place for holding in Canada annual and special general meetings of the Corporation, and the notice and other requirements thereof;

(*d*) the calling of regular and special meetings of the executive committee, the notice to be given thereof, and the quorum and procedure in all respects at or concerning such meetings;

(*e*) the administration and management of the affairs of the Corporation in all respects.

Property.

**8.** The Corporation may receive, acquire, accept, and hold real or immovable property, by grant, gift, purchase, devise, legacy, lease or otherwise, for the purposes of the Corporation; and may sell, lease, dispose of, mortgage, invest, or otherwise deal therewith in such manner as it may from time to time deem advisable for such purposes; provided, however, that the annual value of the real estate held by the Corporation shall not at any time exceed the sum of fifty thousand dollars.

Limitation as to real estate.

Powers and duties as to aid granted.

**9.** The Corporation may receive and distribute any gifts, grants of money, or contributions made by the Government of Canada, or by the Government of any province of Canada, or by any municipality, incorporated body, society or person, and shall apply the same in accordance with the terms, provisions, and conditions of such gifts, grants, or contributions; or, if there be none such, in accordance with the objects set forth in section 2 of this Act.

Corporation to have exclusive right to titles, badges, etc., now in use.

**10.** The Corporation shall have the sole and exclusive right to have and to use all emblems, badges and decorations, descriptive or designating marks and titles, now or heretofore used by The Girl Guides Association, and also the title "Girl Guides", and shall also have the sole and exclusive right to have and to use any emblem, badge, decoration, descriptive or designating marks and titles hereafter adopted by the Corporation for carrying out its purposes, provided that a statement and description of such emblem, badge, decoration, descriptive or designating mark, words or phrases is filed with and approved by the Minister of Agriculture or other Minister administering *The Trade Mark and Design Act.*

How exclusive right to badges, etc., may be obtained in future.

R.S., c. 71.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# V

An Act to incorporate The Dominion Council of The Girl Guides Association.

Received and read a first time

Tuesday 29th May, 1917.

Second reading

Thursday, 31st May, 1917.

Honourable
SIR MACKENZIE BOWELL.

OTTAWA
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7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL W.

An Act for the relief of Colin Darrach Poole.

Preamble.

WHEREAS Colin Darrach Poole, of the city of Toronto, in the province of Ontario, manager, has by his petition alleged, in effect, that on the twenty-sixth day of April, A.D. 1897, at the said city of Toronto, he was lawfully married to Catherine Presnail; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that since the said marriage she has on divers occasions 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 Colin Darrach Poole and Catherine Presnail, 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 Colin Darrach Poole may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Catherine Presnail had not been solemnized.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# W

An Act for the relief of Colin Darrach Poole.

Received and read a first time

Wednesday, 30th May, 1917.

Second reading

Friday, 1st June, 1917.

Honourable Mr. Taylor.

OTTAWA
Printed by J. de L. Taché
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1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL X.

An Act respecting a certain patent of The Sharp Rotary Ash Receiver Company, Incorporated.

Preamble.

WHEREAS, The Sharp Rotary Ash Receiver Company, Incorporated, has by its petition represented that it is a company duly incorporated under the laws of the state of New York, having its head office in the city of Binghampton, in the state of New York, United States of America, and that it is the owner of Canadian patent number one hundred and twenty-four thousand four hundred and ninety-four, granted on the fifteenth day of March, nineteen hundred and ten, for improvements in ash-receiving devices, and issued under the seal of the Patent Office of Canada; that the said patent has expired by reason of the non-payment of the fees required by *The Patent Act;* 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., c. 69.

R.S., c. 69. Power to receive fees and extend term.

**1.** Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive from the holder of the said patent payment of the full fees required by the said Act for the further term of twelve years, and such payment shall avail to the same extent as if it had been made within the term for which the partial fee has been paid.

Certain rights saved.

**2.** If any person has, in the period between the expiry of six years from the date of the said patent and the seventeenth day of February, nineteen hundred and seventeen, commenced to construct, manufacture, use or sell in Canada the invention covered by the said patent, such person may continue to construct, manufacture, use or sell the said invention in as full and ample a manner as if this Act had not been passed.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# X

An Act respecting a certain patent of The Sharp Rotary Ash Receiver Company, Incorporated.

Received and read a first time

Wednesday, 30th May, 1917.

Second reading

Friday, 1st June, 1917.

Honourable Mr. McHugh.

OTTAWA
Printed by J. de L. Taché
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1917

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL Y.

An Act for the relief of Thomas Edwin Jory.

Preamble.

WHEREAS Thomas Edwin Jory, of Riceton, in the province of Saskatchewan, farmer, has by his petition alleged, in effect, that on the fourth day of November, A.D. 1890, at the township of Smith, in the county of Peterborough, in the province of Ontario, he was lawfully married to Eliza Fairbairn; that she was then of the said township of Smith, a spinster; that his legal domicile was then and is now in Canada; that since that said marriage she has on divers occasions 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 Thomas Edwin Jory and Eliza Fairbairn, 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 Thomas Edwin Jory may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Eliza Fairbairn has not been solemnized.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# Y

An Act for the relief of Thomas Edwin Jory.

Received and read a first time

Wednesday, 30th May, 1917.

Second reading

Friday, 1st June, 1917.

Honourable Mr. Taylor.

OTTAWA
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1917

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL Z.

An Act for the relief of Florence Evaline Snyder Lockwood.

Preamble.

WHEREAS Florence Evaline Snyder Lockwood, presently residing at the city of Montreal, in the province of Quebec, wife of Edward Lockwood, of the said city of Montreal, mechanic, has by her petition alleged, in effect, that they were lawfully married on the tenth day of April, A.D. 1903, at the said city of Montreal, she then being Florence Evaline Snyder, spinster; that the legal domicile of the said Edward Lockwood was then and is now in Canada; that since the said marriage he has on divers occasions 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 Florence Evaline Snyder and Edward Lockwood, 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 Florence Evaline Snyder may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward Lockwood had not been solemnized.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# Z

An Act for the relief of Florence Evaline Lockwood.

Received and read a first time

Wednesday, 30th May, 1917.

Second reading

Friday, 1st June, 1917.

Honourable MR. MITCHELL.

OTTAWA
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1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL A[2].

An Act respecting The Empire Life Insurance Company of Canada.

Preamble. 1911, c. 75. 1913, c. 111. 1914, c. 121. 1915, c. 63.

WHEREAS The Empire 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:—

Extension of time.

**1.** Notwithstanding anything in section 78 of *The Insurance Act, 1910*, or in the Act, chapter 75 of the statutes of 1911, incorporating The Empire Life Insurance Company of Canada, or in the Acts, chapter 111 of the statutes of 1913, chapter 121 of the statutes of 1914, and chapter 63 of the statutes of 1915, the said chapter 75 shall be deemed not to have expired and ceased to be in force after the third day of April, 1917, but to have continued and to be in force for all purposes thereof whatsoever, until the fourth day of April, 1919; and the Minister of Finance may, at any time not later than the third day of April, 1919, and subject to all other provisions of *The Insurance Act, 1910*, grant to that company the license necessary for carrying on business.

1910, c. 32.

Limitation.

**2.** If the company has not obtained the said license before the fourth day of April, 1919, the said chapter 75 shall then expire and cease to be in force thereafter, except for the sole purpose of winding up the company's business, but otherwise shall remain in full force and effect for all purposes thereof whatsoever.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# A$^2$.

An Act respecting The Empire Life Insurance Company of Canada.

Received and read a first time

Wednesday, 30th May, 1917.

Second reading

Friday, 1st June, 1917.

Honourable Mr. Nicholls.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL B².

An Act respecting a patent of James B. King and others.

Preamble.

WHEREAS James B. King, William E. Hughes and Frank W. Hall, all of the city of Clyde, in the state of Ohio, in the United States of America, have by their petition represented that they are the holders of a patent issued under the seal of the Patent Office for Canada, number one hundred and twenty-eight thousand two hundred and one, dated the twentieth day of September, one thousand nine hundred and ten for mausoleums; that the said patent has expired by reason of the non-payment of the fees required by *The Patent Act*; and 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:—

R.S., c. 69.

Power to receive fees and to extend term.

R.S., c. 69.

**1.** Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive from the holders of the said patent an application for a certificate of payment of further fees and the usual fees for the second term or for the second and third terms for the said patent, and may grant and issue to such holders certificates of payments of further fees provided for by *The Patent Act*, and 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.

Certain rights saved.

**2.** If any person has, in the period between the expiry of six years from the date of the patent and the thirty-first day of March, one thousand nine hundred and seventeen, commenced to construct, manufacture, use or sell

in Canada the invention covered by the said patent, such person may continue to construct, manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# B$^2$.

An Act respecting a patent of James B. King and others.

Received and read a first time

Wednesday, 30th May, 1917.

Second reading

Friday, 1st June, 1917.

Honourable Mr. Nicholls.

OTTAWA
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1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL C[2].

An Act to incorporate the Imperial Order Daughters of the Empire and the Children of the Empire (Junior Branch).

Preamble.

WHEREAS the Imperial Order of the Daughters of the Empire and the Children of the Empire (Junior Branch), hereinafter called "the provincial society," is a society incorporated under the provisions of an Act respecting Benevolent, Provident and other Societies, being chapter two hundred and eleven of the Revised Statutes of Ontario, one thousand eight hundred and ninety-seven, and since its incorporation has been actively engaged in promoting its objects in various parts of the Empire, and has organized a large number of branches called Chapters with a membership of over thirty thousand in the Dominion of Canada; and whereas it has been made to appear that the extensive character of the work of the provincial society in all the provinces of the Dominion and elsewhere necessitates wider territorial authority and operation than has been found practicable for a corporation created by a provincial legislature; and whereas the National Chapter of Canada, being under the present constitution of the provincial society the supreme head and executive power thereof, has by its petition prayed that it may be enacted as hereinafter set forth; and whereas the provincial society is not carried on or maintained for the purposes of profit or trade, but is entirely voluntary and patriotic, and has for its chief object the fostering of closer personal and national relations between the motherland and Canada, as well as other colonies and dependencies of Great Britain; 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:—

Revised Statutes, Ontario, 1897, c. 211.

Incorporation.

**1.** All persons who at the date of the passing of this Act are members of the provincial society, together with

all such other persons as under the provisions of this Act become members of the corporation hereby created, are hereby constituted a body corporate under the name of "The Imperial Order Daughters of the Empire and the Children of the Empire (Junior Branch)", hereinafter called "the Order."

Corporate name.

Objects.

**2.** The objects of the Order shall be:—

(*a*) To stimulate and give expression to the sentiment of patriotism which binds the women and children of the Empire around the throne and person of their Gracious and Beloved Sovereign;

(*b*) To supply and foster a bond of union amongst the daughters and children of the Empire;

(*c*) To provide an efficient organization by which prompt and united action may be taken by the women and children of the Empire when such action may be desired;

(*d*) To promote in the motherland and in the colonies the study of the history of the Empire and of current Imperial questions; to celebrate patriotic anniversaries; to cherish the memory of brave and heroic deeds and the last resting places of our heroes and heroines, especially such as are in distant and solitary places to erect memorial stones on spots that have become sacred to the nation, either through great struggles for freedom, battles against ignorance, or events of heroic and patriotic self-sacrifice;

(*e*) To care for the widows, orphans and dependents of British soldiers and sailors during war, in time of peace, or under sickness, accident or reverses of fortune;

(*f*) To promote unity between the motherland, the sister colonies and themselves; to promote loyalty to King and country; to forward every good work for the betterment of their country and people; to assist in the progress of art and literature; to draw women's influence to the bettering of all things connected with the Empire, and to instil into the youth of their country patriotism in its fullest sense.

Qualifications for membership.

**3.** Any woman or girl who is a British subject by birth or naturalization and has taken the oath of allegiance to His Majesty shall be eligible for membership in the Order.

Honorary members.

2. Any woman or girl who is interested in the promotion of the objects of the Order may be elected an honorary member in accordance with such provisions as may be made in that behalf by the constitution of the Order.

Organization.

**4.** The members of the Order may be organized under the constitution, by-laws, rules and regulations hereinafter provided for, in bodies, designated chapters, as follows:—

(*a*) Primary Chapters, of which there may be one or more in any city, town, village, parish, municipality or other territorial division of any province or territory of Canada for municipal purposes. In portions of any province or territory which are not organized for municipal purposes primary chapters may be formed by such local grouping of members of the Order as from time to time is found convenient.

(*b*) Municipal Chapters, of which one may be formed in any such territorial division or local group when there are three or more primary chapters therein.

(*c*) Provincial Chapters, of which there may be one in and for each province or territory of Canada. Each provincial chapter shall consist of all the officers of the municipal and primary chapters and of the regents of junior chapters in the province. The officers and executive shall be elected according to the constitution of the Order. Provincial chapters shall be designated and known as "The Provincial Chapter of (*name of province or territory*) Imperial Order Daughters of The Empire and the Children of The Empire (Junior Branch)."

(*d*) The Canadian National Chapter, consisting of the principal officers of the Order, representatives of the provincial chapters and members. The officers, representatives and members shall be elected or otherwise appointed as provided by the constitution of the Order. This chapter shall be designated and known as "The Canadian National Chapter of the Imperial Order Daughters of the Empire and the Children of the Empire (Junior Branch)", and is hereinafter referred to as "the National Chapter."

Co-operation with similar societies.

**5.** The Order may, in pursuance of its objects or any of them—

(*a*) co-operate or affiliate with any body of women incorporated or unincorporated, which has been lawfully formed in Canada or in any other part of the British Empire and has objects the same as or similar to those of the Order; and—

Imperial Chapter.

(*b*) for the purpose of forming, or promoting the formation of, an Imperial Chapter of the Order, federate, or otherwise unite with any such body; and—

Children's Chapters.

(*c*) form Children's Chapters in any part of Canada, which chapters may consist of children of either sex, under the age of eighteen years, who are British subjects by birth or naturalization and have taken the oath of allegiance to His Majesty.

Head Office.

**6.** The head office of the Order shall be in the city of Toronto, province of Ontario, but the National Chapter may from, time to time, by by-law change the situation of the head office to any other place in Canada, and may establish branch offices in any place in Canada or elsewhere.

Constitution.

**7.** In so far as they are not inconsistent with the provisions of this Act nor otherwise contrary to law, the constitution of the provincial society, the statutes of the National Chapter and the provincial chapters thereof, and the by-laws of the municipal and primary chapters thereof, shall be, respectively, as they exist at the date of the passing of this Act, the constitution of the Order and the statutes and by-laws of the various chapters thereof, until altered or amended in accordance with the provisions of this Act.

Alteration of constitution.

**8.** The Order may, from time to time, at any annual general meeting or at any special meeting duly called for that purpose, alter or amend the constitution of the Order in any manner not inconsistent with the provisions of this Act nor otherwise contrary to law, but no such alteration or amendment may be made unless the provisions of the constitution of the Order as to notice and otherwise have been complied with.

Officers and committees continued.

**9.** The officers and committees of the provincial society and of the various chapters thereof, holding office or existing at the date of the passing of this Act, shall, respectively, be the officers and committees of the Order and of the various chapters thereof until their successors have been elected or appointed in accordance with the provisions of this Act.

Officers of Order.

**10.** The principal officers of the Order shall be a president, one or more vice-presidents, a secretary, an assistant-secretary, an educational-secretary, an organizing-secretary, a treasurer and a standard-bearer. They shall be elected at the annual meeting of the Order as provided by the constitution of the Order, and shall hold office until their successors have been elected.

Honorary officers.

2. Such other honorary officers may be elected or hold office *ex officio* as are provided for by the constitution of the Order.

Administration.

**11.** The affairs of the Order generally shall be administered by the national executive committee of the National Chapter, except as otherwise provided by the constitution of the Order.

By-laws of National Chapter.

**12.** The National Chapter may, from time to time, make by-laws, rules and regulations, not inconsistent with the provisions of this Act nor with the constitution of the Order nor otherwise contrary to law, for:—

(*a*) the administration of the property, business and other affairs of the Order in general;

(*b*) the functions, duties and remuneration of all officers, agents and servants of the National Executive Committee;

(*c*) the appointment of committees of the National Executive Committee and their duties;

(*d*) the calling of meetings, regular or special, of the Order and of the National Executive Committee or of its committees;

(*e*) the fixing of the necessary quorum and procedure in all things at such meetings, including representation thereat by delegates as provided for in the constitution of the Order;

(*f*) the formation and organization of primary, municipal and provincial chapters, the dissolution thereof, the suspension thereof for violations of the constitution of the Order or of the by-laws, rules and regulations of the National Executive Committee, and the reinstatement thereof after such suspension;

(*g*) the fixing of fees to be paid to the National Executive Committee by the primary, municipal and provincial chapters, and the levying of contributions therefrom for the general purposes of the Order;

(*h*) generally, for the carrying out of the objects of the Order.

Rights and duties of primary and other chapters.

Power to make by-laws.

**13.** Each primary chapter, municipal chapter and provincial chapter shall be subject to the constitution of the Order and to the by-laws, rules and regulations made by the National Chapter for the general government of the Order, but shall in all other respects have the full management and control of its own property and affairs and the appointment of its own officers and for those purposes may make such by-laws, rules and regulations as are not inconsistent with the provisions of this Act or otherwise contrary to law, the constitution of the Order or the by-laws, rules and regulations made by the National Chapter for the general government of the Order.

Annual general meeting.

**14.** There shall be held annually a general meeting of the Order at such place and time as the National Chapter may determine by by-law.

Statement of affairs.

2. At every annual meeting a full statement of the affairs of the Order shall be presented by the National Chapter

and the election of the principal officers of the Order and of the other members of the National Chapter shall take place.

Representation of chapters.

3. Each and every chapter of the Order, whether primary municipal or provincial, shall be entitled to be represented at the annual meeting by such number of delegates, as may be determined by by-law of the National Chapter but so that each chapter shall have the right to appoint the same number of delegates as any other chapter.

Presiding officer.

4. The annual meeting shall be presided over by the president of the National Chapter or, in case of her incapacity to act, by one of the vice-presidents thereof, and should no vice-president be present then by one of the delegates present to be elected by the meeting.

First annual meeting.

**15.** The first annual meeting of the Order shall be held at the head office of the Order within one year after the date of the passing of this Act, and shall be summoned at the instance of the National Executive Committee of the provincial society, which shall give to each primary, municipal and provincial chapter, existing at the date of the passing of this Act under the constitution of the provincial society, at least two months' notice of the meeting in writing by registered letter addressed to the proper officer of the chapter.

Notice.

Particulars.

2. The notice shall specify the day, place and hour of the meeting, and the number of delegates that may be appointed by each and every chapter.

Conduct of business.

3. For the purposes of the first annual meeting the National Executive Committee of the provincial society shall be deemed to be the National Chapter of the Order and the president of the said committee shall be deemed to be the president of the Order.

Holding of property.

**16.** The Order and every primary, municipal or provincial chapter of the Order may, subject to provincial laws, acquire by gift, purchase or lease, such real and personal property as is required for the actual use and occupation of the Order or of any chapter thereof, respectively, or for carrying out the objects of the Order or of any chapter thereof, and may hold, sell, lease or otherwise dispose of such property.

Liability for debts, etc.

**17.** The Order, each chapter thereof, and each incorporated or unincorporated body of women federated or otherwise united with the Order, shall be respectively liable only for its own debts, obligations and liabilities.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

C2.

An Act to incorporate the Imperial Order Daughters of the Empire and The Children of the Empire (Junior Branch).

Received and read a first time

Thursday, 31st May, 1917.

Second reading

Tuesday, 5th June, 1917.

BRIGADIER-GENERAL THE Honourable MR. MASON.

OTTAWA
Printed by J. DE L. TACHÉ
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1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL D[2].

An Act for the relief of George Walter Sherald Garrett.

Preamble

WHEREAS George Walter Sherald Garrett, of the city of Ottawa, in the province of Ontario, engineer, has by his petition alleged, in effect, that on the twenty-fourth day of September, A.D. 1897, at the town of Champlain, state of New York, one of the United States of America, he was lawfully married to Gertrude Lester; that she was then of the said city of Ottawa, a spinster; that his legal domicile was then and is now in Canada; that in the year A.D. 1904, in the state of South Dakota one of the United States of America, she obtained according to the law of that State a decree of divorce from him; that on the fifteenth day of December, A.D. 1906, at Golden, in the state of Colorado, one of the United States of America, she went through a form of marriage with one Alfred A. Holstrom, with whom she has since lived as his wife; that he has not connived at nor condoned the said marriage and her so living with the said Alfred A. Helstrom; 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 George Walter Sherald Garrett and Gertrude Lester, 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 George Walter Sherald Garrett may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Gertrude Lester had not been solemnized.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# D$^2$.

An Act for the relief of George Walter Sherald Garrett.

Received and read a first time

Thursday, 31st May, 1917.

Second reading

Tuesday, 5th June, 1917.

Honourable MR. RATZ.

OTTAWA
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7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL E[2].

An Act to incorporate Dominion Good Roads Association.

Preamble.

WHEREAS a petition has been presented on behalf of the unincorporated society at present existing in Canada and known as "Dominion Good Roads Association", praying that the society may be incorporated for the objects and with the powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** Jules Duchastel de Montrouge, civil engineer, George Augustus McNamee, manager, both of the city of Outremont, Joseph Arsene Benjamin Michaud, civil employee, of the city of Quebec, Joseph Wenceslas Levesque, notary, of the village of St. Vincent de Paul, all in the province of Quebec, Samuel Ling Squire, general merchant, of the town of Waterford, William Arthur McLean, civil engineer, George Hogarth, civil engineer, both of the city of Toronto, and Andrew F. Macallum, civil engineer, of the city of Ottawa, all in the province of Ontario, together with such other persons as are now members of the society mentioned in the preamble to this Act, hereinafter called "the society", or as become in accordance with the provisions of this Act members of the association hereby incorporated, are hereby incorporated under the name of "Dominion Good Roads Association", hereinafter called "the Association."

Name.

Objects.

**2.** The objects of the Association shall be to collect and distribute information concerning highway legislation, construction and maintenance, in the various cities, towns villages and municipalities throughout Canada; to stimulate

and encourage in all ways the improvement, construction and maintenance of roads; the whole from an educational and practical standpoint.

Powers.

**3.** The Association may, for the purposes of carrying out the above objects, promote, organize, finance and hold meetings and congresses, exhibitions, shows and displays of all kinds, and do such other lawful acts and things as are incidental or conducive to the attainment of the objects of the Association.

Head Office.

**4.** The head office of the Association shall be at the city of Montreal, in the province of Quebec, but the Association may, by by-law, change the head office to any other place in Canada.

Constitution, etc.

**5.** In so far as they are not contrary to law, nor inconsistent with the provisions of this Act, the constitution, by-laws and rules of the society at the date of the passing of this Act shall continue to be, respectively, the constitution, by-laws and rules of the Association until altered or amended in the manner prescribed by this Act.

Alteration.

2. The Association may, from time to time, alter or amend the said constitution, by-laws and rules in any manner not contrary to law nor inconsistent with the provisions of this Act.

Directors.

**6.** The Association shall be governed and its affairs shall be managed by a board of directors to be chosen in such manner and number, from time to time, as may be determined by the by-laws of the Association.

Officers, directors and committees.

**7.** The officers, directors and executive committees of the provincial society shall continue to be, respectively, the officers, directors and executive committees of the Association until replaced by others in accordance with the constitution, by-laws and rules of the Association.

Annual general meeting.

**8.** There shall be held annually a general meeting of the Association, the place and time of each such meeting to be appointed by the directors. At every annual general meeting a full statement of the affairs of the Association shall be presented by the directors.

2. The first annual general meeting of the Association shall be held within one year after the passing of this Act, at such time and place as the directors of the Association may appoint.

By-laws.

**9.** The directors of the Association may, from time to time, make, repeal, amend or re-enact by-laws and rules,

not contrary to law nor inconsistent with the provisions of this Act, for:—

(*a*) defining the terms and conditions of membership in the Association, and the rights, duties and privileges of all classes of members;

(*b*) the administration, management and control of the property, business and other affairs of the Association;

(*c*) the appointment, powers, duties, quorum, term of office, and method of election of the directors;

(*d*) the appointment, designation, functions, duties and remuneration of all officers, agents and servants of the Association;

(*e*) the appointment of committees and the designation of their duties;

(*f*) the calling of meetings, annual or special, of the Association, and of meetings, periodical or special, of the directors and of committees;

(*g*) the fixing of the quorum necessary at, the procedure in all respects at or concerning, and all other requirements of, any meeting of the Association, or of its directors or committees;

(*h*) generally, for carrying out the objects of the Association.

Confirmation.

2. Every such by-law, excepting by-laws made respecting officers, agents and servants of the Association, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Association, duly called for that purpose, shall only have force until the next annual meeting of the Association, and in default of confirmation thereat, shall, at and from that time, cease to have force.

Real property.

**10.** The Association may acquire by devise, bequest, purchase, gift, lease or otherwise, such real or immovable property as is required for its actual use and occupation or as is necessary or requisite for the carrying out of the objects of the Association, and may sell, mortgage, hypothecate, pledge, lease, manage, develope, or otherwise dispose of or deal with any property so acquired.

Borrowing powers and investments.

**11.** If authorized by by-law, sanctioned by the vote of not less than two-thirds of the members present at any general meeting of the Association duly called for considering the by-law, the directors may, from time to time, as and when required for the objects of the Association,—

(*a*) borrow money upon the credit of the Association;

(*b*) limit or increase the amount to be borrowed;

(*c*) make, accept, draw, endorse and execute bills of exchange, promissory notes and other negotiable instruments;

(*d*) issue bonds, debentures, or other securities of the Association for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient;

(*e*) hypothecate, mortgage or pledge any real or personal property of the Association, to secure any money so borrowed for the objects of the Association, or any bonds, debentures or other securities so issued, pledged or sold;

(*f*) invest the funds of the Association in such manner and upon such securities as are determined by the by-law.

Powers and duties as to aid granted

**12.** The Association may receive and distribute any gifts, grants of money, or contributions made by the Government of Canada, or by the Government of any province of Canada, or by any municipality, incorporated body, society, or person, and shall apply the same in accordance with the terms, provisions, and conditions of such gifts, grants, or contributions; or, if there be none such, in accordance with the objects set forth in section 2 of this Act.

Branches.

**13.** Subject to the constitution, by-laws and rules of the Association, branches of the Association may be established at any place in Canada, under such title and designation and subject to such conditions and provisions, and with such powers not exceeding those conferred upon the Association by this Act, as the Association may determine by by-law.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

BILL

E[2].

An Act to incorporate Dominion Good Roads Association.

Received and read a first time

Friday, 1st June, 1917.

Second reading

Wednesday, 6th June, 1917.

Honourable Mr. Beaubien.

OTTAWA

Printed by J. de L. Taché

Printer to the King's most Excellent Majesty

1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL F².

An Act for the relief of Gertrude Ellen Beal.

Preamble.

WHEREAS Gertrude Ellen Beal, presently residing at the city of Toronto, in the province of Ontario, wife of William Albrighton Beal, of the said city of Toronto, manufacturer, has by her petition alleged, in effect, that they were lawfully married on the nineteenth day of September, A.D. 1906, at the said city of Toronto, she then being Gertrude Ellen Perry, spinster; that the legal domicile of the said William Albrighton Beal was then and is now in Canada; that since the said marriage he has on divers occasions 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 Gertrude Ellen Perry and William Albrighton Beal, 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 Gertrude Ellen Perry may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Albrighton Beal had not been solemnized.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA

# BILL

# F$^2$.

An Act for the relief of Gertrude Ellen Beal.

Received and read a first time

Friday, 1st June, 1917.

Second reading

Wednesday, 6th June, 1917.

Honourable Mr. POPE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL G².

An Act for the relief of Donald George Whibley.

Preamble.

WHEREAS Donald George Whibley, presently of the city of Montreal, in the province of Quebec, purchasing agent, has by his petition alleged, in effect, that on the thirtieth day of July, A.D. 1907, at the said city of Montreal, he was lawfully married to Frances Lilian Owen; that she was then of the said city of Montreal, a spinster; that his legal domicile was then and is now in Canada; that since the said marriage she has on divers occassions 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 divorse; 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 Donald George Whibley and Frances Lilian Owen, 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 Donald George Whibley may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Frances Lilian Owen had not been solemnized.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA

# BILL

# G$^2$.

An Act for the relief of Donald George Whibley.

Received and read for a first time

Friday, 1st June, 1917.

Second reading

Wednesday, 6th June, 1917.

Honourable MR. OWENS.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL H².

An Act for the relief of George Maisey.

Preamble.

WHEREAS George Maisey, of the town of Walkerville, in the province of Ontario, engineer, has by his petition alleged, in effect, that on the thirtieth day of November, A.D. 1905, at the town of Amherstburg, in the said province, he was lawfully married to Lulu Drusella Chamberlain, a spinster; that his legal domicile was then and is now in Canada; that since the said marriage she has on divers occasions 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 George Maisey and Lulu Drusella Chamberlain, 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 George Maisey may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Lulu Drusella Chamberlain had not been solemnized.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# H².

An Act for the relief of George Maisey.

Received and read a first time

Wednesday, 6th June, 1917.

Second reading

Friday, 8th June, 1917.

Honourable Mr. Taylor.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL I².

An Act for the relief of Herbert Featherstone Conover.

Preamble.

WHEREAS Herbert Featherstone Conover, of the township of Trafalgar, in the county of Halton, in the province of Ontario, farmer, has by his petition alleged, in effect, that on the ninth day of June, A.D. 1909, at the village of Cooksville, in the said province, he was lawfully married to Larilla A. May; that she was then of the township of Esquesing, in the said province, a spinster; that his legal domicile was then and is now in Canada; that since the said marriage she has on divers occasions 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 Herbert Featherstone Conover and Larilla A. May, 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 Herbert Featherstone Conover may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Larilla A. May had not been solemnized.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# I[2].

An Act for the relief of Herbert Featherstone Conover.

Received and read a first time

Wednesday, 6th June, 1917.

Second reading

Friday, 8th June, 1917.

Honourable Mr. TAYLOR.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL J².

An Act respecting The Western Canada Accident and Guarantee Insurance Company.

Preamble.

Man., 1908, c. 77. 1908, c. 105. 1911, c. 110. 1912, c. 140. Can., 1913, c. 204.

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.

**1.** Notwithstanding anything in section 78 of *The Insurance Act, 1910,* or in the Act, chapter 204 of the statutes of 1913 incorporating The Western Canada Accident and Guarantee Insurance Company, the said Act, chapter 204 of the statutes of 1913 shall be deemed not to have expired and ceased to be in force after the fifth day of June, 1915, but to have continued and to be in force for all purposes thereof whatsoever until the sixth day of June, 1919, and the Minister of Finance may at any time not later than the fifth day of June, 1919, and subject to all the other provisions of *The Insurance Act, 1910,* grant to the said company the license necessary for carrying on business.

1910, c. 32.

Limitation.

**2.** If the company has not obtained the said license before the sixth day of June, 1919, the said Act, chapter 204 of the statutes of 1913 shall then expire and cease to be in force thereafter except for the sole purpose of winding up the company's business, but otherwise shall remain in full force and effect for all purposes thereof whatsoever.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# J².

An Act respecting The Western Canada Accident and Guarantee Insurance Company.

Received and read a first time

Wednesday, 6th June, 1917.

Second reading

Friday, 8th June, 1917.

Honourable MR. LAIRD.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL K[2].

An Act to incorporate Canadian Ukrainian Institute Prosvita.

WHEREAS an unincorporated association known as Canadian Ukrainian Institute Prosvita, hereinafter called "the Association," having for its object the mental, social and economic welfare of those of the Canadian people who are of Ukrainian origin, has existed for some time past in the city of Winnipeg, in the province of Manitoba; and whereas the Association desires to extend its work to the several provinces of Canada and to establish branches therein; and whereas the Association carries on its administrative work through an executive committee and is governed by a constitution and by-laws which have received the assent of its members; and whereas Michael Olenchuk, Ivan Petrushevich and Ivan Marcinow, all of the city of Winnipeg, in the province of Manitoba, officers of the said executive committee, acting on behalf of and by the instruction of the members of the Association, have by their petition prayed that it be incorporated; and whereas it is expedient to grant the prayer of the said petition: therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** Michael Olenchuk, Ivan Petrushevich, Ivan Marcinow, and such other persons as are now members of the Association, together with such other persons as hereafter become members of the corporation hereby created, are hereby created a corporation under the name of "Canadian Ukrainian Institute Prosvita," hereinafter called "the Corporation."

Name.

Purposes.

**2.** The purposes of the Corporation shall be the mental, social and economic improvement of those of the Canadian people who are of Ukrainian origin, by the publication

and circulation of books, magazines and papers, by the maintenance and support of meetings and lectures, by the establishment of lecture courses, by establishing and maintaining gymnasiums, libraries, museums and public reading-rooms, evening classes for the education of adult illiterates, and by such other means as will tend to promote study, thrift and industry among the Ukrainian people in Canada, and as will result in their mental, social and economic progress.

Head office.

**3.** The head office of the Corporation shall be in the city of Winnipeg, in the province of Manitoba.

Powers as to real property.

**4.** (1) The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy real property, moveable or immoveable, corporeal or incorporeal whatsoever and for any or every estate or interest 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 to, for or in favour of any educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with the uses or purposes of the Corporation, and the same or any part thereof, to sell, convey, exchange, alienate, mortgage, lease or demise or otherwise charge or dispose of as occasion may require.

Limitation 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 twenty-five thousand dollars.

Constitution by-laws.

**5.** The constitution and by-laws of the Association, in so far as they are not contrary to law or inconsistent with the provisions of this Act, shall be the constitution and by-laws of the Corporation, but they or any of them may be added to, amended or repealed and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Officers.

**6.** The present officers of the Association shall be the officers of the Corporation and shall continue to hold office until their successors are appointed in the manner provided by the constitution and by-laws of the Corporation.

Directors.

**7.** The Corporation may by by-law increase or decrease the number of directors and provide as to their qualifications, mode of election and the time for which they shall hold office.

**8.** All the real and personal property of the Association shall become the property of, and is hereby vested in the Corporation. Property of Association transferred to Corporation.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# K[2]

An Act to incorporate Canadian Ukrainian Institute Prosvita.

Received and read a first time

Friday, 8th June, 1917.

Second reading

Wednesday, 13 June, 1917.

Honourable Mr. LaRivière

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL L2.

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 112 of *The Railway Act* is hereby amended by adding the following subsections thereto:— R.S., c. 37, s. 112 amended.

" 4. No person shall be qualified to be nor shall be elected a director of the company who is not a *bonâ fide* resident in Canada nor shall any person act as a director after he has ceased to be a *bonâ fide* resident in Canada. Qualification of directors. Residence.

" 5. All meetings of directors shall be held within Canada and no action of the board of directors had or taken elsewhere shall be lawful or of any force or effect. Meetings.

" 6. The provisions of subsections 4 and 5 of this section shall apply only to elections of directors and meetings and actions of directors had, held or taken after the first day of January, 1918. Application of subsections 4 and 5.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# L$^2$.

An Act to amend The Railway Act.

Received and read a first time

Friday 8th June, 1917.

Second reading

Wednesday 13th June, 1917.

Honourable MR. LYNCH-STAUNTON.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL M[2].

An Act to incorporate The Manitoba and 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.** John G. G. Kerry of the city of Toronto, in the province of Ontario, civil engineer, Hugh Alexander Stewart, one of His Majesty's counsel learned in the law, William Harris Kyle, merchant, Hezekiah Allen Clark, dental surgeon, and Edwin Livingston Weatherhead, insurance agent, all of the town of Brockville, in the said province, together with such persons as become shareholders in the company hereby incorporated, are incorporated under the name of "The Manitoba and Ontario Railway Company," hereinafter called "the Company."

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 Tornto, in the county of York in the province of Ontario.

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 Brereton Station on the main line of the National Transcontinental Railway in the province of Manitoba to a point on the English river in the province of Ontario between the easterly boundary of Manitoba and the 94th meridian of longitude; thence northerly to a point on the Hudson Bay between the mouths of the Albany and Nelson rivers.

Consent of municipalities or other authority.

**8.** 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 municipality having jurisdiction over such highway, street or other public place, and if there is no such municipality, then without first obtaining the consent of the authority having jurisdiction over such highway, street or other public place, and upon the terms to be agreed upon with such municipality, or such other authority.

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 for sale, lease or amalgamation.

**10.** 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 Canadian Pacific Railway Company or the National Transcontinental Railway, or either of them.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA

# BILL

# M².

An Act to incorporate The Manitoba and Ontario Railway Company.

Received and read for a first time
Tuesday, 12th June, 1917.
Second reading
Thursday, 14th June, 1917.

Honourable Mr. Smith.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7 George V, 1917

# THE SENATE OF CANADA.

## BILL N².

An Act respecting The Montreal Central 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:— 1890, c. 93. 1891, c. 106. 1894, c. 63. 1897, c. 67. 1905, c. 127. 1909, c. 109. 1912, c. 120. 1912, c. 121.

**1.** The Montreal Central Terminal Company may, within five years of the passing of this Act, complete the different works which by the several Acts relating to the company it was authorized to carry out, and if, within the said period, any of the said works are not completed and put in operation, the powers of construction conferred upon the company by Parliament shall cease and be null and void as respects so much of the said works as then remains uncompleted. Extension of time for construction.

**2.** Notwithstanding anything to the contrary in the Acts relating to the company, the company may construct, maintain and operate the works authorized by the said Acts so soon as the plans thereof have been approved by the Board of Railway Commissioners of Canada. Removal of certain restrictions as to commencement, operation, etc.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# N$^2$.

An Act respecting The Montreal Central Terminal Company.

Received and read a first time

Thursday, 14th June, 1917.

Second reading

Tuesday, 19th June, 1917.

Honourable MR. BEAUBIEN.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL O2.

An Act for the relief of Rozilla Lamb.

Preamble.

WHEREAS Rozilla Lamb, presently residing at the city of Toronto, in the province of Ontario, wife of George Alfred Lamb, of the said city, machinist, has by her petition alleged, in effect, that they were lawfully married on the twenty-fifth day of September, A.D. 1907, at the said city of Toronto, she then being Rozilla McHattie, spinster; that the legal domicile of the said George Alfred Lamb was then and is now in Canada; that since the said marriage he has on divers occasions 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 Rozilla McHattie and George Alfred Lamb, 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 Rozilla McHattie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Alfred Lamb had not been solemnized.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# O².

An Act for the relief of Rozilla La mb

Received and read a first time

Tuesday, 19th June, 1917.

Second reading

Thursday, 21st June, 1917.

Honourable MR. ROBRTSON.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL P2.

An Act to incorporate The North American Accident Insurance Company.

WHEREAS chapter 116 of the Statutes of 1914 entitled "An Act to incorporate The North American Accident Insurance Company" expired and ceased to be in force on 27th May, 1916, and whereas the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1916, c. 114.

**1.** Douglas Kay Ridout, capitalist, J. D. Montgomery, barrister, both of the city of Toronto, in the province of Ontario; Charles F. Dale, insurance manager, Rufus C. Holden, gentleman, P. W. Peacock, secretary, all of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the company hereby incorporated, are hereby incorporated under the name of "The North American Accident Insurance Company," hereinafter called "the Company." Incorporation. Name.

**2.** The persons named in section 1 of this Act shall be the provisional directors of the Company. Provisional Directors.

**3.** The capital stock of the Company shall be five hundred thousand dollars, and may be increased to one million dollars. Capital Stock.

**4.** The amount to be subscribed before the general meeting for the election of directors is called shall be three hundred and six thousand four hundred dollars. Subscription before general meeting.

**5.** The Company may make contracts of any of the following classes of insurance:— Clauses of business authorized.

(*a*) Accident insurance;
(*b*) Sickness insurance;
(*c*) Plate Glass insurance;
(*d*) Burglary insurance;
(*e*) Automobile insurance;
(*f*) Fire insurance;
(*g*) Guarantee insurance.

Commencement of business.

**6.** (1) The Company shall not commence the business of accident insurance, sickness insurance and plate glass insurance until at least three hundred and six thousand four hundred dollars of the capital stock have been subscribed and at least eighty-five thousand dollars have been paid thereon.

(2) The Company shall not commence the business of burglary insurance and automobile insurance, in addition to the business of accident insurance, sickness insurance and plate glass insurance, until the amount paid upon its capital stock together with its surplus amounts to at least one hundred and five thousand dollars.

(3) The Company shall not commence the business of fire insurance, limited to fire risks on automobiles only, in addition to the business of accident insurance, sickness insurance, plate glass insurance, burglary insurance and automobile insurance, until its paid capital together with its surplus amounts to at least one hundred and fifty-five thousand dollars.

(4) The Company shall not commence the business of general fire insurance, in addition to the business of accident insurance, sickness insurance, plate glass insurance, burglary insurance and automobile insurance, until its subscribed capital has been increased to at least four hundred and fifty thousand dollars and its paid capital together with its surplus amounts to two hundred and five thousand dollars.

(5) The Company shall at or before the expiration of one year from the date of its receiving a license for the transaction of general fire insurance, increase the amount paid on account of its capital by the sum of fifteen thousand dollars, and during each of the succeeding four years an additional fifteen thousand dollars shall be paid on account of its said capital, until the paid capital and surplus of the Company amounts to at least two hundred and eighty thousand dollars.

(6) The Company shall not commence the business of guarantee insurance, in addition to the business of accident insurance, sickness insurance, plate glass insurance, burglary insurance, automobile insurance and fire insurance, until its

paid capital together with its surplus amounts to three hundred and forty thousand dollars.

(7) In this section the word "surplus" means the excess of assets over liabilities including the amount paid on account of capital stock and the reserve of unearned premiums calculated *pro rata* for the unexpired term of all policies of the Company in force.

Head Office.

**7.** The head office of the Company shall be in the city of Montreal, in the province of Quebec.

Acquisition of property of Ontario Company.

Ont., 1912, C. 31.

**8.** The Company may acquire the whole or any part of the rights and property of The North American Accident Insurance Company, incorporated by letters patent granted under the provisions of *The Ontario Companies Act*, and dated the twelfth day of December, 1912; and in case of such acquisition the Company shall perform and discharge all such duties, obligations and liabilities of that Company with respect to the rights and property acquired as are not performed or discharged by that Company.

1910. C. 32.

**9.** Except as otherwise provided by this Act the Company shall have all the powers, privileges and immunities and shall be subject to all liabilities and provisions set out in *The Insurance Act, 1910*, so far as they may be applicable to the Company.

Issue of License.

Ont., 1912, C. 31.

**10.** A license shall not be issued to the Company, nor shall any license issued be renewed, unless and until the Superintendent of Insurance has been satisfied by such evidence as he may require that The North American Accident Insurance Company, incorporated by letters patent granted under the provisions of *The Ontario Companies Act* and dated the twelfth day of December, 1912, is ceasing to do business, nor unless and until such undertaking as he may require has been given that the said company will entirely cease to do business within such reasonable time as he may fix.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# P².

An Act to incorporate The North American Accident Insurance Company.

Received and read a first time

Wednesday, 20th June, 1917.

Second reading

Friday, 22nd June, 1917.

Honourable Mr. Nicholls.

OTTAWA
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1917.

FIRST REPRINT.

**Reprinted as amended by the Committee on Banking and Commerce.**

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL Q[2].

An Act to amend The Companies Act.

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 Companies Act Amendment Act, 1917.* Short title.

**2.** Paragraph (*f*) of section 3 of *The Companies Act*, which Act is hereinafter referred to as " the principal Act," is hereby repealed and the following substituted therefor:— R.S., c. 79, s. 3 amended.

" (*f*) " court " means in Ontario, the Supreme Court of Ontario; in Quebec, the Superior Court in and for that province; in Nova Scotia, New Brunswick, British Columbia and Prince Edward Island, the Supreme Court in and for each of those provinces, respectively; in Manitoba, the Court of King's Bench for Manitoba; in the provinces of Saskatchewan and Alberta, a superior court; and in the Yukon Territory, the Territorial Court." " Court".

**3.** Subsection 1 of section 5 of the principal Act is hereby repealed and the following substituted therefor:— S. 5 amended.

" **5.** (1) The Secretary of State of Canada may, by letters patent under his seal of office, grant a charter to any number of persons, not less than five, who apply therefor, constituting such persons, and others who have become subscribers to the memorandum of agreement hereinafter mentioned and who thereafter become shareholders in the company thereby created, a body corporate and politic, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, except the construction and working of railways or of telegraph or telephone lines, the business of insurance, the business of a trust company, the business of a loan company and the business of banking and the issue of paper money: Provided, Companies incorporated for certain purposes. Exceptions. Proviso.

Inter-insurance contracts.

however, that nothing in this part of the Act shall be construed to prevent companies incorporated thereunder from exchanging reciprocal contracts of indemnity against loss by fire or otherwise, under the plan known as inter-insurance."

New sections added.

**4.** The principal Act is hereby amended by adding thereto the following sections, 7A and 7B:—

Application without purpose of gain.

"7A. (1) Where the application is for the creation of a corporation for national, patriotic, religious, philanthropic, artistic, sporting or other objects intended to be carried on in more than one province of Canada without the purpose of gain, the applicants for such letters patent, who must be of the full age of twenty-one years, shall file in the Department of the Secretary of State an application setting forth:—

Name.

"(*a*) The proposed corporate name, which shall not be that of any other known corporation, association or body incorporated or unincorporated, or any name liable to be confounded therewith, or otherwise, on public grounds, objectionable;

Purposes.

"(*b*) The purposes for which incorporation is sought;

Chief place of business.

"(*c*) The place within Canada where its chief office is to be situated;

Applicants.

"(*d*) The names in full and the address and calling of each of the applicants, with special mention of the names of not more than fifteen and not less than three of their number, who are to be the first or provisional directors or trustees of the corporation.

Memorandum of Agreement.

"(2) The application shall be accompanied by a memorandum of agreement, in duplicate, which shall set out the by-laws or regulations of the corporation and shall, more particularly, provide by-laws or regulations upon the following matters:—

Terms of admission.

"(*a*) Conditions of membership, including societies or companies becoming members of the corporation;

Meetings.

"(*b*) Mode of holding meetings, rights of voting and of making, repealing or amending by-laws or regulations;

Directors, Committee, Officers.

"(*c*) Appointment and removal of the directors, trustees, committee or officers, and their respective powers and remuneration;

Audit of accounts.

"(*d*) Provision for audit of accounts and appointment of auditors;

Withdrawal of members.

"(*e*) Determination whether or how members may withdraw from the corporation;

Seal.

"(*f*) Provision for custody of seal and certifying of documents issued by the corporation.

By-laws.

"(3) Any of the by-laws or regulations the applicants desire may be embodied in the letters patent but in such

case shall be repealed or amended except by the issue of supplementary letters patent.

"(4) By-laws or regulations not embodied in the letters patent may be repealed or amended, but such variation or amendment shall not be in force or acted on until the approval of the Secretary of State of Canada has been obtained. Amendment of by-laws.

"(5) Any existing corporation created by or under any Act of the Parliament of Canada for any of the objects mentioned in subsection (1) of this section may apply under this section for the issue of letters patent creating it a corporation under those provisions of Part I of this Act which apply to corporations created under this section, and upon the issue of such letters patent the said provisions shall apply to the corporation created thereby. Existing corporations.

"(6) 1. The following provisions of Part I of this Act shall not apply to corporations created under this section, namely, sections 7, 7B, 8, 9, 26, 33, 38 to 43 both inclusive, 43A to 43D both inclusive, 45 to 54, both inclusive, 54A to 54F, both inclusive, 55 to 68 both inclusive, 68A, 70 to 78, both inclusive, 80 to 84, both inclusive, 86 to 88, both inclusive, paragraphs (*d*) and (*e*) of section 89, 90, 94A to 94C, both inclusive, 101 to 104, both inclusive, paragraphs (*j*) and (*k*) of subsection 2 of section 105, 114, 115. Application of R.S., c. 79.

"2. The other sections of Part I of this Act shall apply to corporations created under this section.

"(7) In applying to corporations created under this section those sections of Part I of this Act which apply to such corporations:— Interpreation.

(*a*) the word "company" shall be deemed to mean a corporation so created; "Company."

(*b*) the word "shareholder" shall be deemed to mean a member of such a corporation; "Shareholder."

(*c*) a provision that the votes of shareholders representing a specified proportion in value of the stock of a company shall be requisite for any purpose shall be deemed to mean that the votes of a like proportion in number of the members of the corporation are requisite for that purpose." "Proportion in value of stock."

"7B. (1) Upon the formation or reorganization of any company, the letters patent may provide for the issue of the shares of the capital stock of such company without any nominal or par value, except in the case of preferred stock having a preference as to principal; and— Issue of shares without nominal or par value.

"(*a*) If such preferred stock or any part thereof has a preference as to principal, the letters patent shall state the amount of such preferred stock having such preference, the particular character of such preference, and the amount of each share thereof, which shall be Statement as to preferred stock.

five dollars or some multiple of five dollars, but not more than one hundred dollars; and—

Statement as to capital.

" (*b*) The letters patent shall set out the amount of capital with which the company will carry on business, which amount shall be not less than the amount of preferred stock (if any) authorized to be issued with a preference as to principal, and in addition thereto a sum equivalent to five dollars or to some multiple of five dollars for every share authorized to be issued other than such preferred stock; but in no event shall the amount of such capital be less than five hundred dollars.

" (2) Such statement in the letters patent shall be in lieu of any statements prescribed by this Act as to the amount or the maximum amount of the capital stock or the number of shares into which the same shall be divided, or the amount or the par value of such shares.

Equality of shares.

" (3) Each share of the capital stock without nominal or par value shall be equal to every other share of the capital stock, subject to the preferences given to the preferred shares, if any, authorized to be issued. Every certificate of shares without nominal or par value shall have plainly written or printed upon its face the number of such shares which it represents and the number of such shares which the company is authorized to issue, and no such certificate shall express any nominal or par value of such shares. The certificates of preferred shares having a preference as to principal shall state briefly the amount which the holder of any of such preferred shares shall be entitled to receive on account of principal from the surplus assets of the company in preference to the holders of other shares, and shall state briefly any other rights or preferences given to the holders of such shares.

Shares to be allotted at price fixed by Board or Letters Patent.

" (4) The issue and allotment of shares authorized by this section, other than shares of preferred stock having a preference as to principal, may be made for such consideration as may be prescribed in the letters patent, or as may be fixed by the board of directors pursuant to authority conferred in the letters patent, or if the letters patent do not so provide, then by the consent of the holders of two-thirds of each class of shares then outstanding given at a meeting called for that purpose in such manner as is prescribed by the by-laws. Any and all shares issued as permitted by this section shall be deemed fully paid and non-assessable and the holder of such shares shall not be liable to the company or to its creditors in respect thereof.

Commencement of business; authorized debts.

" (5) A company to which this section applies shall not begin to carry on business nor incur any debts until the amount of capital stated in the letters patent has been

fully paid in money, or in property taken at its actual value. In case the amount of capital stated in the letters patent is increased as provided by this Act, such company shall not increase the amount of its indebtedness then existing until it has received in money or property the amount of such increase of its stated capital. Any of the directors of the company who assent to the creation of any debt in violation of this section shall be liable jointly and severally for such debt; but no action shall be brought against any such director unless within one year after the debt has been incurred the creditor has served upon the director written notice of intention to hold him personally liable for such debt.

Commencement of business.

"(6) A company to which this section applies shall not be subject to section 26 of this Act.

Limitation of dividends.

"(7) A company to which this section applies shall not declare any dividend which reduces the amount of its capital below the amount stated in the letters patent as the amount of capital with which the company will carry on business. In case any such dividend shall be declared, the directors in whose administration the same shall have been declared, except those who may have caused their dissent therefrom to be entered upon the minutes of such directors at the time, or who were not present when such action was taken, shall be liable jointly and severally to such company and to the creditors thereof to the full amount of any loss sustained by such company or by its creditors respectively by reason of such dividend."

S. 13 amended.

**5.** Section 13 of the principal Act is hereby repealed and the following substituted therefor:—

Notice to be published.

"**13.** Notice of the granting of the letters patent shall be forthwith given by the Secretary of State of Canada by one insertion in *The Canada Gazette*, in the form C in the schedule to this Act; and thereupon, from the date of the letters patent, the persons therein named, and such persons as have become subscribers to the memorandum of agreement or who thereafter become shareholders in the company, and their successors, shall be a body corporate and politic, by the name mentioned in the letters patent."

S. 24 amended.

**6.** Subsection 1 of section 24 of the principal Act is hereby repealed and the following substituted therefor:—

Tariff by Governor in Council.

"**24.** The Governor in Council may establish, alter and regulate the tariff of fees to be paid on application for any letters patent or supplementary letters patent under this part, on filing any document, on any certificate issued under this Act, on making any return under this Act and on the making of any search of the

files of the Department of the Secretary of State of Canada respecting a company. The amount of any fee may be varied according to the nature of the company, the amount of the capital stock, or other particulars, as the Governor in Council deems fit."

S. 43 amended. New sections added.

**7.** Section 43 of the principal Act is hereby repealed and the following sections **43**, **43A** **43B**, **43C** and **43D** are substituted therefor:—

PROSPECTUS.

Definition "Prospectus"

"**43.** In this Act, unless the context otherwise requires, the word "prospectus" shall have the meaning hereby assigned to it, that is to say: "Prospectus" means any prospectus, notice, circular, advertisement or other invitation offering to the public for subscription or purchase any shares or debentures of a company. *Imp. Act, 1908, s. 285.*

Filing of prospectus.

"**43A.** (1) Every prospectus issued by or on behalf of a company or in relation to any intended company shall be dated, and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus.

"(2) A copy of every such prospectus, signed by every person who is named therein as a director or proposed director of the company, or by his agent authorized in writing, shall be filed for registration with the Secretary of State of Canada, on or before the date of its publication, and no such prospectus shall be issued until a copy thereof has been so filed for registration.

"(3) The Secretary of State of Canada shall not register any prospectus unless it is dated, and the copy thereof signed, in manner required by this section.

"(4) Every prospectus shall state on the face of it that a copy has been filed for registration as required by this section.

"(5) If a prospectus is issued without a copy thereof being so filed, the company, and every person who is knowingly a party to the issue of the prospectus, shall be liable on summary conviction to a fine not exceeding twenty dollars for every day from the date of the issue of the prospectus until a copy thereof is so filed. *Imp. Act, 1908, s. 80.*

Specific requirements as to particulars of prospectus.

"**43B.** (1) Every prospectus issued by or on behalf of a company, or by or on behalf of any person who is or has been engaged or interested in the formation of the company, must state—

" (*a*) the contents of the letters patent and supplementary letters patent, with the names, descriptions, and addresses of the signatories to the petition for incorporation, and the number of shares subscribed for by them respectively; and the number of founders' or management or deferred shares, if any, and the nature and extent of the interest of the holders in the property and profits of the company; and

" (*b*) the number of shares, if any, fixed by the by-laws of the company as the qualification of a director, and any provision in the said by-laws as the remuneration of the directors; and

" (*c*) the names, descriptions, and addresses of the directors or proposed directors; and

" (*d*) the minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and in the case of a second or subsequent offer of shares, the amount offered for subscriptions on each previous allotment made within the two preceding years, and the amount actually allotted; and the amount, if any, paid on the shares so allotted; and

" (*e*) the number and amount of shares and debentures which within the two preceding years have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which those shares or debentures have been issued or are proposed or intended to be issued; and

" (*f*) the names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of issue of the prospectus, and the amount payable in cash, shares, or debentures, to the vendor, and where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor: Provided that where the vendors or any of them are a firm the members of the firm shall not be treated as separate vendors; and

" (*g*) the amount (if any) paid or payable as purchase money in cash, shares or debentures, for any such property as aforesaid, specifying the amount (if any) payable for good will; and

" (*h*) the amount (if any) paid within the two preceding years, or payable, as commission for subscribing or

agreeing to subscribe, or procuring or agreeing to procure subscriptions, for any shares in, or debentures of, the company, or the rate of any such commission: Provided that it shall not be necessary to state the commission payable to sub-underwriters; and

" (*i*) the amount or estimated amount of preliminary expenses; and

" (*j*) the amount paid within the two preceding years or intended to be paid to any promoter, and the consideration for any such payment; and

" (*k*) the dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected: Provided that this requirement shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company or to any contract entered into more than two years before the date of issue of the prospectus; and

" (*l*) the names and addresses of the auditors (if any) of the company; and

" (*m*) full particulars of the nature and extent of the interest (if any) of every director in the promotion of, or in the property proposed to be acquired by, the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm with a statement of all sums paid or agreed to be paid to him or the firm in cash or shares or otherwise by any person either to induce him to become, or to qualify him as, a director, or, otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company, and

" (*n*) where the company is a company having shares of more than one class, the right of voting at meetings of the company conferred by the several classes of shares respectively.

" (2) For the purposes of this section every person shall be deemed to be a vendor who has entered into any contract, absolute or conditional, for the sale or purchase, or for any option of purchase, of any property to be acquired by the company, in any case where—

" (*a*) the purchase money is not fully paid at the date of issue of the prospectus; or

" (*b*) the purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or

" (*c*) the contract depends for its validity or fulfilment on the result of that issue.

" (3) Where any of the property to be acquired by the company is to be taken on lease, this section shall apply as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee.

" (4) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract, document, or matter not specifically referred to in the prospectus, shall be void.

" (5) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement, it shall not be necessary in the advertisement to specify the contents of the letters patent and supplementary letters patent, the signatories to the petition for incorporation, and the number of shares subscribed for by them.

(6) In the event of non-compliance with any of the requirements of this section, a director or other person responsible for the prospectus shall not incur any liability by reason of the non-compliance, if he proves that—

" (*a*) as regards any matter not disclosed, he was not cognizant thereof; or

" (*b*) the non-compliance arose from an honest mistake of fact on his part;

"Provided that in the event of non-compliance with the requirements contained in paragraph (*m*) of subsection (1) of this section no director or other person shall incur any liability in respect of the non-compliance unless it be proved that he had knowledge of the matters not disclosed.

" (7) This section shall not apply to a circular or notice inviting existing members or debenture holders of a company to subscribe either for shares or for debentures of the company, whether with or without the right to renounce in favour of other persons; but subject as aforesaid, this section shall apply to any prospectus whether issued on or with reference to the formation of a company or subsequently.

" (8) The requirements of this section as to the letters patent and supplementary letters patent and the qualification, remuneration, and interest of directors, the names, descriptions, and addresses of directors or proposed directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a prospectus issued more than one year after the date at which the company is entitled to commence business.

" (9) Nothing in this section shall limit or diminish any liability which any person may incur under the general

law or this Act apart from this section. *Imp. Act 1908*, s. *81*.

Obligations of companies where no prospectus is issued.

**43c.** (1) A company which does not issue a prospectus on or with reference to its formation, shall not allot any of its shares or debentures unless before the first allotment of either shares or debentures there has been filed with the Secretary of State of Canada a statement in lieu of prospectus signed by every person who is named therein as a director or a proposed director of the company or by his agent authorized in writing, in the form and containing the particulars set out in Form F in the schedule to this Act. *Imp. Act 1908, s. 82 (1).*

(2) This section shall not apply to a private company or to a company which has allotted any shares or debentures before the first day of September, 1917. *Imp. Act 1908, s. 82 (2).*

Meaning of "private company."

(3) For the purposes of this section the expression "private company" means a company which by its letters patent or supplementary letters patent—

(*a*) restricts the right to transfer its shares; and

(*b*) limits the number of its members (exclusive of persons who are in the employment of the company and of persons who having been formerly in the employment of the company were, while in such employment and have continued after the termination of such employment to be members of the company) to fifty; and

(*c*) prohibits any invitation to the public to subscribe for any shares or debentures of the company. *Imp. Acts 1908, s. 121 (1) and 3 and 4, Geo. V., c. 25.*

(4) A private company may, subject to anything contained in the letters patent and supplementary letters patent, by passing a resolution at a special general meeting of the company called for that purpose and by filing with the Secretary of State of Canada such a statement in lieu of prospectus as the company, if a public company, would have had to file before allotting any of its shares or debentures and by obtaining supplementary letters patent confirming the resolution turn itself into a public company. *Imp. Act 1908, s. 121 (2).*

(5) Where two or more persons hold one or more shares in a company jointly they shall, for the purposes of this section be treated as a single shareholder. *Imp. Act 1908, s. 121 (3).*

Liability for statements in prospectus.

"**43d.** (1) Where a prospectus invites persons to subscribe for shares in or debentures of a company, every person who is a director of the company at the time of the

prospectus, and every person who has authorized the naming of him and is named in the prospectus as a director or as having agreed to become a director either immediately or after an interval of time, and every promoter of the company, and every person who has authorized the issue of the prospectus, shall be liable to pay compensation to all persons who subscribe for any shares or debentures on the faith of the prospectus for the loss or damage they may have sustained by reason of any untrue statement therein, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved—

" (*a*) With respect to every untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe, and did up to the time of the allotment of the shares or debentures, as the case may be, believe, that the statement was true; and

" (*b*) With respect to every untrue statement purporting to be a statement by, or contained in what purports to be a copy of or extract from a report or valuation of, an expert, that it fairly represented the statement, or was a correct and fair copy of or extract from the report or valuation: Provided that the director, person named as director, promoter, or person who authorized the issue of the prospectus, shall be liable to pay compensation as aforesaid if it is proved that he had no reasonable ground to believe that the person making the statement, report, or valuation was competent to make it; and

" (*c*) With respect to every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document, unless it is proved—

" (i) that having consented to become a director of the company he withdrew his consent before the issue of the prospectus and that it was issued without his authority or consent; or

" (ii) that the prospectus was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was issued without his knowledge or consent; or

" (iii) that after the issue of the prospectus and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of the withdrawal, and of the reason therefor.

" (2) Where a company existing on the first day of September, one thousand nine hundred and seventeen, has issued shares or debentures, and for the purpose of obtaining further capital by subscriptions for shares or debentures issues a prospectus, a director shall not be liable in respect of any statement therein, unless he has authorized the issue of the prospectus, or has adopted or ratified it.

" (3) Where the prospectus contains the name of a person as a director of the company, or as having agreed to become a director thereof, and he has not consented to become a director, or has withdrawn his consent before the issue of the prospectus, and has not authorized or consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus was issued, and any other person who authorized the issue thereof, shall be liable to indemnify the person named as aforesaid against all damages, costs, and expenses to which he may be made liable by reason of his name having been inserted in the prospectus, or in defending himself against any action or legal proceedings brought against him in respect thereof.

" (4) Every person who, by reason of his being a director or named as a director or as having agreed to become a director, or of his having authorized the issue of the prospectus, becomes liable to make any payment under this section, may recover contribution, as in the case of contract, from any other person who, if sued separately, would have been liable to make the same payment, unless the person who has become so liable was, and that other person was not, guilty of fraudulent misrepresentation.

" (5) For the purposes of this section—

The expression " promoter " means a promoter who was a party to the preparation of the prospectus, or of the portion thereof containing the untrue statement, but does not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company.

The expression " expert " includes engineer, valuer, accountant, and any other person whose profession gives authority to a statement made by him." *Imp. Act 1908, s. 84.*

S. 54 amended. New sections added.

**8.** Section 54 of the principal Act is hereby repealed and the following sections **54**, **54A**, **54B**, **54C**, **54D**, **54E**, and **54F** are substituted therefor:—

REDUCTION OF SHARE CAPITAL.

By-law for reduction of share capital.

" **54.** (1) Subject to confirmation by supplementary letters patent, a company may by by-law reduce its share

capital in any way, and in particular, without prejudice to the generality of the foregoing power, may:—

"(*a*) Extinguish or reduce the liability on any of its shares in respect of share capital not paid up; or

"(*b*) Either with or without extinguishing or reducing liability on any of its shares, cancel any paid-up share capital which is lost or unrepresented by available assets; or

"(*c*) Either with or without extinguishing or reducing liability on any of its shares, pay off any paid-up share capital which is in excess of the wants of the company;

and may reduce the amount of its share capital and of its shares accordingly.

"(2) No by-law for reducing the capital stock of the company shall have any force or effect whatsoever, until it is approved by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the company at a special general meeting of the company duly called for considering the same, and afterwards confirmed by supplementary letters patent. 2 E. VII, c. 15, ss. 41 and 43.

Addition to name of company of "and reduced."

"**54**A. On and from the confirmation by a company of a by-law for reducing share capital, or where the reduction does not involve either the diminution of any liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, then on and from the presentation of the petition for supplementary letters patent confirming the reduction, the company shall add to its name, until such date as the Secretary of State of Canada may fix, the words "and reduced," as the last words in its name, and those words shall, until that date, be deemed to be part of the name of the company: Provided that, where the reduction does not involve either the diminution of any liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, the Secretary of State of Canada may, if he thinks expedient, dispense altogether with the addition of the words "and reduced."

Objections by creditors, and settlement of list of objecting creditors.

"**54**B. (1) Where the proposed reduction of share capital involves either diminution of liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, and in any other case if the Secretary of State of Canada so directs, every creditor of the company who at the date of the petition for supplementary letters patent to the Secretary of State of Canada is entitled to any debt or claim which, if that date were the commencement of the winding-up of the company, would be admissible in proof against the company, shall be entitled to object to the reduction.

"(2) The Secretary of State of Canada shall settle a list of creditors so entitled to object, and for that purpose shall ascertain, as far as possible without requiring an application from any creditor, the names of those creditors and the nature and amount of their debts or claims, and may publish notices fixing a day or days within which creditors not entered on the list are to claim to be so entered or are to be excluded from the right of objecting to the reduction.

"(3) Where a creditor entered on the list whose debt or claim is not discharged or determined does not consent to the reduction, the Secretary of State of Canada may, if he thinks fit, dispense with the consent of that creditor, on the company securing payment of his debt or claim by appropriating, as the Secretary of State of Canada may direct, the following amount, that is to say—

"(i) If the company admits the full amount of his debt or claim, or, though not admitting it, is willing to provide for it, then the full amount of the debt or claim;

"(ii) If the company does not admit or is not willing to provide for the full amount of the debt or claim, or if the amount is contingent or not ascertained, then an amount fixed by the Secretary of State of Canada after the like inquiry and adjudication as if the company were being wound up.

Order confirming reduction.

" **54**C. The Secretary of State of Canada, if satisfied, with respect to every creditor of the company who under this Act is entitled to object to the reduction, that either his consent to the reduction has been obtained or his debt or claim has been discharged or has determined, or has been secured, may issue supplementary letters patent confirming the reduction on such terms and conditions as he thinks fit.

Liability of members in respect of reduced shares.

" **54**D (1) A shareholder of the company, past or present, shall not be liable in respect of any share to any call or contribution exceeding in amount the difference (if any) between the amount paid, or (as the case may be) the reduced amount, if any, which is to be deemed to have been paid, on the share and the amount of the share as fixed by the supplementary letters patent:

" Provided that if any creditor, entitled in respect of any debt or claim to object to the reduction of share capital, is, by reason of his ignorance of the proceedings for reduction, or of their nature and effect with respect to his claim, not entered on the list of creditors, and, after the reduction, the company is unable, within the meaning of the provisions of *The Winding-up Act* to pay the amount of his debt or claim, then—

R.S., c. 144

" (i) every person who was a shareholder of the company at the date of the supplementary letters patent shall be liable to contribute for the payment of that debt or claim an amount not exceeding the amount which he would have been liable to contribute if the company had commenced to be wound up on the day before the date of the supplementary letters patent; and

" (ii) if the company is wound up, the court, on the application of any such creditor and proof of his ignorance as aforesaid, may, if it thinks fit, settle accordingly a list of persons so liable to contribute, and make and enforce calls and orders on the contributories settled on the list as if they were ordinary contributories in a winding-up.

" (2) Nothing in this section shall affect the rights of the contributories among themselves.

Penalty for concealment of name of creditor.

" **54E.** Any director, manager, or officer of the company who wilfully conceals the name of any creditor entitled to object to the reduction, or wilfully misrepresents the nature or amount of the debt or claim of any creditor, or aids or abets in or is privy to any such concealment or misrepresentation, is guilty of an indictable offence and liable to five years' imprisonment or to a penalty not exceeding one thousand dollars, or to both such imprisonment and such penalty.

Publication of reasons for reduction.

" **54F.** In any case of reduction of share capital the Secretary of State of Canada may require the company to publish, as he directs, the reasons for reduction, or such other information in regard thereto as he may think expedient with a view to give proper information to the public, and, if he thinks fit, the causes which led to the reduction."

New sections added.

**9.** The principal Act is hereby amended by adding thereto the following sections **69A**, **69B**, **69C**, **69D**, **69E**, **69F**, **69G**, **69H**, **69I**, **69J**, **69K** and **69L**:—

INFORMATION AS TO MORTGAGES, CHARGES, ETC.

Registration of mortgages and charges.

" **69A.** (1) Every mortgage or charge created after the first day of September, nineteen hundred and seventeen by a company, and being either—

" (*a*) a mortgage or charge for the purpose of securing any issue of debentures; or

" (*b*) a mortgage or charge on uncalled share capital of the company; or

" (*c*) a floating charge on the undertaking or property of the company;

" shall, so far as any security on the company's property or undertaking is thereby conferred, be void against the

liquidator and any creditor of the company, unless the prescribed particulars of the mortgage or charge, together with the instrument (if any) by which the mortgage or charge is created or evidenced, are delivered to or received by the Secretary of State of Canada, for registration in manner required by this Act, within twenty-one days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured; and when a mortgage or charge becomes void under this section the money secured thereby shall immediately become payable: Provided that—

" (i) in the case of a mortgage or charge created out of Canada comprising solely property situate outside Canada, the delivery to and the receipt by the Secretary of State of Canada of a copy of the instrument by which the mortgage or charge is created or evidenced, verified in the prescribed manner, shall have the same effect for the purposes of this section as the delivery and receipt of the instrument itself, and twenty-one days after the date on which the instrument or copy could, in due course of post, and if despatched with due diligence, have been received in Canada, shall be substituted for twenty-one days after the date of the creation of the mortgage or charge, as the time within which the particulars and instrument or copy are to be delivered to the Secretary of State of Canada; and

" (ii) where the mortgage or charge is created in Canada, but comprises property outside Canada, the instrument creating or purporting to create the mortgage or charge may be sent for registration notwithstanding that further proceedings may be necessary to make the mortgage or charge valid or effectual according to the law of the country in which the property is situate; and

" (iii) the holding of debentures entitling the holder to a charge on land shall not be deemed to be an interest in land.

" (2) The Secretary of State of Canada shall keep, with respect to each company, a register in the prescribed form of all the mortgages and charges created by the company after the first day of September, nineteen hundred seventeen, and requiring registration under this section, and shall, on payment of the prescribed fee, enter in the register, with respect to every such mortgage or charge, the date of creation, the amount secured by it, short particulars of the property mortgaged or charged, and the names of the mortgagees or persons entitled to the charge.

"(3) Where a series of debentures containing, or giving by reference to any other instrument, any charge to the benefit of which the debenture holders of that series are entitled *pari passu*, is created by a company, it shall be sufficient if there are delivered to or received by the Secretary of State of Canada, within twenty-one days after the execution of the deed containing the charge, or, if there is no such deed, after the execution of any debentures of the series, the following particulars:

"(*a*) the total amount secured by the whole series; and

"(*b*) the dates of the resolutions authorizing the issue of the series and the date of the covering deed, if any, by which the security is created or defined; and

"(*c*) a general description of the property charged; and

"(*d*) the names of the trustees, if any, for the debenture holders;

" together with the deed containing the charge, or if there is no such deed, one of the debentures of the series; and the Secretary of State of Canada, shall, on payment of the prescribed fee, enter those particulars in the register:

"Provided that, where more than one issue is made of debentures in the series, there shall be sent to the Secretary of State of Canada for entry in the register particulars of the date and amount of each issue, but an omission to do this shall not affect the validity of the debentures issued.

"(4) Where any commission, allowance, or discount, has been paid or made either directly or indirectly by the company to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any debentures of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any such debentures, the particulars required to be sent for registration under this section shall include particulars as to the amount or rate per cent of the commission, discount, or allowance so paid or made, but an omission to do this shall not affect the validity of the debentures issued:

"Provided that the deposit of any debentures as security for any debt of the company shall not for the purposes of this provision be treated as the issue of the debentures at a discount.

"(5) The Secretary of State of Canada shall give a certificate under his hand of the registration of any mortgage or charge registered in pursuance of this section, stating the amount thereby secured, and the certificate shall be conclusive evidence that the requirements of this section as to registration have been complied with.

"(6) The company shall cause a copy of every certificate of registration given under this section to be endorsed on

every debenture or certificate of debenture stock which is issued by the company, and the payment of which is secured by the mortgage or charge so registered:

"Provided that nothing in this subsection shall be construed as requiring a company to cause a certificate of registration of any mortgage or charge so given to be endorsed on any debenture or certificate of debenture stock which has been issued by the company before the mortgage or charge was created.

"(7) It shall be the duty of the company to send to the Secretary of State of Canada for registration the particulars of every mortgage or charge created by the company and of the issues of debentures of a series, requiring registration under this section, but registration of any such mortgage or charge may be effected on the application of any person interested therein.

"Where the registration is effected on the application of some person other than the company, that person shall be entitled to recover from the company the amount of any fees properly paid by him to the Secretary of State of Canada on the registration.

"(8) The register kept in pursuance of this section shall be open to inspection by any person on payment of the prescribed fee.

"(9) Every company shall cause a copy of every instrument creating any mortgage or charge requiring registration under this section to be kept at the registered office of the company:

"Provided that, in the case of a series of uniform debentures, a copy of one such debenture shall be sufficient." *Imp. Act, 1908, s. 93.*

Registration of order appointing receiver.

"**69B.** (1) If any person obtains an order for the appointment of a receiver or manager of the property of a company, or appoints such a receiver or manager under any powers contained in any instrument, he shall within seven days from the date of the order or of the appointment under the powers contained in the instrument give notice of the fact to the Secretary of State of Canada, and the Secretary of State of Canada, shall on payment of the prescribed fee, enter the fact in the register of mortgages and charges.

"(2) If any person makes default in complying with the requirements of this section he shall be liable on summary conviction to a fine not exceeding twenty dollars for every day during which the default continues." *Imp. Act, 1908, s. 94.*

Filing of accounts of receivers and managers.

"**69C.** (1) Every receiver or manager of the property of a company who has been appointed under the powers contained in any instrument, and who has taken possession, shall, once in every half year while he remains in possession,

and also on ceasing to act as receiver or manager, file with the Secretary of State of Canada an abstract in the prescribed form of his receipts and payments during the period to which the abstract relates, and shall also on ceasing to act as receiver or manager file with the Secretary of State of Canada notice to that effect, and the Secretary of State Canada shall enter the notice in the register of mortgages and charges.

"(2) Every receiver or manager who makes default in complying with the provisions of this section shall be liable on summary conviction to a fine not exceeding two hundred dollars." *Imp. Act, 1908, s. 95.*

Rectification of register of mortgages.

"**69D.** The court of the province in which the head office of the company is situated, on being satisfied that the omission to register a mortgage or charge within the time hereinbefore required, or that the omission or misstatement of any particular with respect to any such mortgage or charge, was accidental, or due to inadvertence or to some other sufficient cause, or is not of a nature to prejudice the position of creditors or shareholders of the company, or that on other grounds it is just and equitable to grant relief, may, on the application of the company or any person interested, and on such terms and conditions as seem to the court just and expedient, order that the time for registration be extended, or, as the case may be, that the omission or misstatement be rectified. *Imp. Act, 1908, s. 96.*

Entry of satisfaction.

"**69E.** The Secretary of State of Canada may, on evidence being given to his satisfaction that the debt for which any registered mortgage or charge, was given has been paid or satisfied, order that a memorandum of satisfaction be entered on the register, and shall if required furnish the company with a copy thereof. *Imp. Act, 1908, s. 97.*

Index to register of mortgages and charges.

"**69F.** The Secretary of State of Canada shall keep a chronological index, in the prescribed form and with the prescribed particulars, of the mortgages or charges registered with him under this Act. *Imp. Act, 1908, s. 98.*

Penalties.

"**69G.** (1) If any company makes default in sending to the Secretary of State of Canada for registration the particulars of any mortgage or charge created by the company, and of the issues of debentures of a series, requiring registration under the foregoing provisions of this Act, then, unless the registration has been effected on the application of some other person, the company, and every director, manager, secretary, or other person who is knowingly a party to the default, shall be guilty of an indictable offence and be liable to a fine not exceeding two hundred dollars for every day during which default continues.

" (2) Subject as aforesaid, if any company makes default in complying with any of the requirements of this Act as to the registration with the Secretary of State of Canada of any mortgage or charge created by the company, the company and every director, manager, and other officer of the company who knowingly and wilfully authorized or permitted the default shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding five hundred dollars.

" (3) If any person knowingly and wilfully authorizes or permits the delivery of any debenture or certificate of debenture stock requiring registration with the Secretary of State of Canada under the foregoing provisions of this Act without a copy of the certificate of registration being endorsed upon it, he shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding five hundred dollars. *Imp. Act, 1908, s. 99.*

Company's register of mortgages.

" **69H.** (1) Every company shall keep a register of mortgages and enter therein all mortgages and charges specifically affecting property of the company, giving in each case a short description of the property mortgaged or charged, the amount of the mortgage or charge, and (except in the case of securities to bearer) the names of the mortgagees or persons entitled thereto.

" (2) If any director, manager, or other officer of the company knowingly and wilfully authorizes or permits the omission of any entry required to be made in pursuance of this section, he shall be liable on summary conviction to a fine not exceeding two hundred dollars. *Imp. Act, 1908, s. 100.*

Right to inspect copies of instruments creating mortgages and charges and company's register of mortgages.

" **69I.** (1) The copies of instruments creating any mortgage or charge requiring registration under this Act with the Secretary of State of Canada, and the register of mortgages kept in pursuance of the last foregoing section, shall be open at all reasonable times to the inspection of any creditor or shareholder of the company without fee, and the register of mortgages shall also be open to the inspection of any other person on payment of such fee, not exceeding twenty-five cents for each inspection, as the company may prescribe.

" (2) If inspection of the said copies or register is refused, any officer of the company refusing inspection, and every director and manager of the company authorizing or knowingly and wilfully permitting the refusal, shall be liable on summary conviction to a fine not exceeding twenty dollars, and a further fine not exceeding ten dollars for every day during which the refusal continues. *Imp. Act, 1908, s. 101.*

" **69J.** (1) Every register of holders of debentures of a company shall, except when closed in accordance with the by-laws of the company during such period or periods (not exceeding in the whole thirty days in any year) as may be specified in the said by-laws, be open to the inspection of the registered holder of any such debentures, and of any holder of shares in the company, but subject to such reasonable restrictions as the company may by by-law impose, so that at least two hours in each day are appointed for inspection, and every such holder may require a copy of the register or any part thereof on payment of ten cents for every hundred words required to be copied.

Right of debenture holders to inspect the register of debenture holders and to have copy of trust deed.

" (2) A copy of any trust deed for securing any issue of debentures shall be forwarded to every holder of any such debentures at his request, on payment in the case of a printed trust deed of the sum of twenty-five cents, or such less sum as may be prescribed by by-law of the company, or, where the trust deed has not been printed, on payment of ten cents for every hundred words required to be copied.

" (3) If inspection is refused, or a copy is refused or not forwarded, the company shall be liable on summary conviction to a fine not exceeding twenty dollars, and to a further fine not exceeding ten dollars for every day during which the refusal or neglect to forward a copy continues, and every director, manager, secretary, or other officer of the company who knowingly authorizes or permits the refusal shall incur the like penalty. *Imp. Act, 1908, s. 102.*

" **69K.** (1) Where, in the case of a company, either a receiver is appointed on behalf of the holders of any debentures of the company secured by a floating charge, or possession is taken by or on behalf of those debenture holders of any property comprised in or subject to the charge, then, if the company is not at the time in course of being wound up, the debts which in every winding-up are under the provisions of *The Winding-up Act* relating to preferential payments to be paid in priority to all other debts, shall be paid forthwith out of any assets coming to the hands of the receiver or other person taking possession as aforesaid in priority to any claim for principal or interest in respect of the debentures.

Payments of certain debts out of assets subject to floating charge in priority to claims under the charge.

R.S., c. 144, s. 70.

" (2) The period of time mentioned in the said provisions of *The Winding-up Act* shall be reckoned from the date of the appointment of the receiver or of possession being taken as aforesaid, as the case may be.

" (3) Any payments made under this section shall be recouped as far as may be out of the assets of the company available for payment of general creditors. *Imp. Act 1908, s. 107.*

" **69**L. The provisions of this Act respecting the registration of mortgages, charges or other securities shall be in addition to and not in substitution for the provisions of any statute of any province of Canada or of any foreign country in respect thereto."

S. 75 amended.

**10.** Section 75 of the principal Act is hereby amended by adding thereto the following as subsection 2:—

Restrictions on appointment or advertisement of director.

" (2) A person named as a director or proposed director in any prospectus issued by or on behalf of the company, shall not be capable of being appointed director of the company unless, at the time of the publication of the prospectus, he has by himself or by his agent authorized in writing—

" (i) Signed and filed with the Secretary of State of Canada a consent in writing to act as such director; and

" (ii) Either signed the petition for incorporation and memorandum of agreement and stock book for a number of shares not less than his qualification (if any) or signed and filed with the Secretary of State of Canada a contract in writing to take from the company and pay for his qualification shares (if any)."

SS. 92, 93, 94 amended.

New sections added.

**11.** Sections 92, 93 and 94 of the principal Act are hereby repealed and the following sections **92**, **93**, **94**, **94**A, **94**B and **94**C are substituted therefor:—

Investigation of affairs of company.

" **92.** (1) The Secretary of State of Canada may appoint one or more competent inspectors to investigate the affairs of any company and to report thereon in such manner as the Secretary of State of Canada may direct—

" (i) In the case of any company having a share capital, on the application of shareholders holding a proportion of the issued stock of the company warranting the application;

" (ii) In the case of a company not having a share capital, on the application of such number of the persons on the company's register of members as warrants the application.

" (2) The application shall be supported by such evidence as the Secretary of State of Canada may require for the purpose of showing that the applicants have good reason for and are not actuated by malicious motives in requiring, the investigation; and the Secretary of State of Canada may, before appointing an inspector, require the applicants to give security for payment of the costs of the inquiry.

" (3) It shall be the duty of all officers and agents of the company to produce to the inspectors all books and documents in their custody or power.

"(4) An inspector may examine on oath the officers and agents of the company in relation to its business, and may administer an oath accordingly.

"(5) If any officer or agent refuses to produce any book or document which under this section it is his duty to produce, or to answer any question relating to the affairs of the company, he shall be liable on summary conviction to a fine not exceeding twenty dollars in respect of each offence.

"(6) On the conclusion of the investigation the inspectors shall report their opinion to the Secretary of State of Canada, and a copy of the report shall be forwarded by the Secretary of State of Canada to the company and a further copy shall, at the request of the applicants for the investigation, be delivered to them.

"(7) The report shall be written or printed, as may be directed.

"(8) All expenses of and incidental to the investigation shall be defrayed by the applicants, unless the Secretary of State of Canada directs the same to be paid by the company, which the Secretary of State of Canada is hereby authorized to do. *Imp. Act, 1908, s. 109.*

Powers of company to appoint inspectors.

"**93.** (1) A company may by resolution at any annual or special general meeting appoint inspectors to investigate its affairs.

"(2) Inspectors so appointed shall have the same powers and duties as inspectors appointed by the Secretary of State of Canada, except that, instead of reporting to the Secretary of State of Canada, they shall report in such manner and to such persons as the company by resolution may direct.

"(3) Officers and agents of the company shall incur the like penalties in case of refusal to produce any book or document required to be produced to inspectors so appointed, or to answer any question, as they would have incurred if the inspectors had been appointed by the Secretary of State of Canada. *Imp. Act, 1908, s. 110.*

Report of inspectors to be evidence.

"**94.** A copy of the report of any inspectors appointed under this Act, authenticated by the seal of the company whose affairs they have investigated, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in the report. *Imp. Act, 1908, s. 111.*

Appointment and remuneration of auditors.

"**94A.** (1) Every company shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

" (2) If an appointment of auditors is not made at an annual general meeting, the Secretary of State of Canada may, on the application of any shareholder of the company, appoint an auditor of the company for the current year, and fix the remuneration to be paid to him by the company for his services.

" (3) A director or officer of the company shall not be capable of being appointed auditor of the company.

" (4) A person, other than a retiring auditor, shall not be capable of being appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the company not less than fourteen days before the annual general meeting; and the company shall send a copy of any such notice to the retiring auditor, and shall give notice thereof to the shareholders, either by advertisement or in any other mode provided by the by-laws of the company not less than seven days before the annual general meeting:

" Provided that if, after notice of the intention to nominate an auditor has been so given, an annual general meeting is called for a date fourteen days or less after the notice has been given, the notice, though not given within the time required by this provision, shall be deemed to have been properly given for the purposes thereof, and the notice to be sent or given by the company may, instead of being sent or given within the time required by this provision, be sent or given at the same time as the notice of the annual general meeting: Provided, however, that a person other than a retiring auditor may be appointed auditor of the company at an annual general meeting as hereinbefore provided, upon a resolution passed by the votes of shareholders present in person or by proxy and holding at least two-thirds of the subscribed stock represented at the meeting.

" (5) The first auditors of the company may be appointed by the directors before the first annual general meeting, and if so appointed shall hold office until the first annual general meeting, unless previously removed by a resolution of the company in general meeting, in which case the company at that meeting may appoint auditors.

" (6) The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors, if any, may act.

" (7) The remuneration of the auditors of a company shall be fixed by the company in general meeting, except that the remuneration of any auditors appointed before the first annual general meeting, or to fill any casual vacancy, may be fixed by the directors. *Imp. Act, 1908, s. 112.*

"**94B** (1) Every auditor of a company shall have a right of access at all times to the books and accounts and vouchers of the company, and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditors. Powers and duties of auditors.

"(2) The auditors shall make a report to the shareholders on the accounts examined by them, and on every balance sheet laid before the company in general meeting during their tenure of office, and the report shall state—

"(*a*) whether or not they have obtained all the information and explanations they have required; and

"(*b*) whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs according to the best of their information and the explanations given to them, and as shown by the books of the company.

"(3) The balance sheet shall be signed on behalf of the board by two of the directors of the company, and the auditor's report shall be attached to the balance sheet, or there shall be inserted at the foot of the balance sheet a reference to the report, and the report shall be read before the company in general meeting, and shall be open to inspection by any shareholder.

"(4) Thereafter any shareholder shall be entitled to be furnished with a copy of the balance sheet and auditors' report at a charge not exceeding ten cents for every hundred words.

"(5) If any copy of a balance sheet which has not been signed as required by this section is issued, circulated or published, or if any copy of a balance sheet is issued, circulated, or published without either having a copy of the auditors' report attached thereto or containing such reference to that report as is required by this section, the company, and every director, manager, secretary, or other officer of the company who is knowingly a party to the default, shall on summary conviction, be liable to a fine not exceeding two hundred dollars. *Imp. Act 1908, s. 113.*

"**94C**. Holders of preference shares and debentures of a company shall have the same right to receive and inspect the balance sheets of a company, and the reports of the auditors and other reports, as is possessed by the holders of ordinary shares in the company." Rights of preference shareholders, etc., as to receipt and inspection of reports, etc.

**12.** Section 105 of the principal Act is hereby repealed and the following substituted therefor:— S. 105 amended.

"**105.** (1) An annual meeting of the company shall be held at such time and place in each year as the Annual meeting.

special Act, letters patent, or by-laws of the company provide, and in default of such provisions in that behalf an annual meeting shall be held at the place named in the special Act or letters patent as the place of the head office of the company, on the fourth Wednesday in January in every year.

Balance sheet.

" (2) At such meeting the directors shall lay before the company—

" (*a*) a balance sheet made up to a date not more than four months before such annual meeting: Provided however that a company which carries on its undertaking out of Canada may, by resolution at a general meeting, extend this period to not more than six months;

" (*b*) a general statement of income and expenditure for the financial period ending upon the date of such balance sheet;

" (*c*) the report of the auditor or auditors;

" (*d*) such further information respecting the company's financial position as the special Act, letters patent or by-laws of the company require.

Details of balance sheet.

" (3) Every balance sheet shall be drawn up so as to distinguish severally at least the following classes and assets and liabilities, namely:—

" (*a*) cash;

" (*b*) debts owing to the company from its customers;

" (*c*) debts owing to the company from its directors, officers and shareholders respectively;

" (*d*) stock in trade;

" (*e*) expenditures made on account of future business;

" (*f*) lands, buildings, and plant;

" (*g*) goodwill, franchises, patents and copy rights, trademarks, leases, contracts and licenses;

" (*h*) debts owing by the company secured by mortgage or other lien upon the property of the company;

" (*i*) debts owing by the company but not secured;

" (*j*) amount of common shares, subscribed for and allotted and the amount paid thereon, showing the amount thereof allotted for services rendered, for commissions or for assets acquired;

" (*k*) amount of preferred shares subscribed for and allotted and the amount paid thereon, showing the amount thereof allotted for services rendered, for commissions or for assets acquired;

" (*l*) indirect and contingent liabilities." *Ontario Companies Act, sec. 43.*

" (*m*) amount written off on account of depreciation of plant, machinery, good-will and similar items. *New.*

**13.** Section 106 of the principal Act is hereby repealed and the following substituted therefor:— S. 106 amended.

"**106.** (1) Every company having a share capital shall, on or before the first day of June in every year, make a summary as of date the thirty-first day of March preceding, specifying the following particulars:— Annual returns.

"(*a*) The corporate name of the company; Particulars.

"(*b*) The manner in which the company is incorporated whether by special Act or by letters patent and the date thereof;

"(*c*) The place of the head office of the company, giving the street and number thereof when possible;

"(*d*) The date upon which the last annual meeting of shareholders of the company was held;

"(*e*) The amount of the share capital of the company, and the number of shares into which it is divided;

"(*f*) The number of shares taken from the commencement of the company up to the date of the return;

"(*g*) The amount called up on each share;

"(*h*) The total amount of calls received;

"(*i*) The total amount paid on shares otherwise than in cash, showing severally the amounts paid by services, commissions or assets acquired;

"(*j*) The total amount of calls unpaid;

"(*k*) The total amount of the sums (if any) paid by way of commission in respect of any shares, bonds or debentures, or allowed by way of discount in respect of any bonds or debentures;

"(*l*) The total number of shares forfeited, and the amount paid thereon at the time of forfeiture;

"(*m*) The total amount of shares issued as preference shares and the rate of dividend thereon, and whether cumulative;

"(*n*) The total amount paid on such shares;

"(*o*) The total amount of debentures, debenture stock or bonds authorized and the rate of interest thereon;

"(*p*) The total amount of debentures, debenture stock or bonds issued;

"(*q*) The total amount paid on debentures, debenture stock or bonds, showing severally the amounts of discount thereon and the amounts issued for services and assets acquired;

"(*r*) The total amount of share warrants issued;

"(*s*) The names and addresses of the persons who at the date of the return are the directors of the company, or occupy the position of directors, by whatever name called.

Summary to be filed, signed and verified.

" (2) The said summary must be completed and filed in duplicate in the Department of the Secretary of State of Canada on or before the first day of June aforesaid. Each of the said duplicates shall be signed by the president and the manager or, if these are the same person, by the president and by the secretary of the company, and shall be duly verified by their affidavits. There shall also be filed therewith an affidavit proving that the copies of the said summary are duplicates. *New.*

Penalty for default.

" (3) If a company makes default in complying with any requirement of this section it shall be liable to a fine not exceeding twenty dollars for every day during which the default continues, and every director and manager of the company who knowingly and wilfully authorizes or permits the default shall be liable to the like penalty, and such fines may be recoverable on summary conviction. *Ontario Companies Act sec. 134 in part and Imperial Companies Act sec. 26 in part.*

Endorsement of list and summary.

" (4) The Secretary of State of Canada, or an official of the Department of the Secretary of State of Canada designated for that purpose, shall endorse upon one duplicate of the above summary the date of the receipt thereof at the Department of the Secretary of State of Canada, and shall return the said duplicate summary to the company and the same shall be retained at the head office of the company available for perusal of for the purpose of making copies thereof or extracts therefrom by any shareholders or creditor of the company. *New.*

Proof of endorsement.

" (5) The duplicate of the said summary endorsed as aforesaid shall be *prima facie* evidence that the said summary was filed in the Department of the Secretary of State of Canada pursuant to the provisions of this section on any prosecution under subsection (3) of this section, and the signature of an official of the Department of the Secretary of State of Canada to the endorsement of the said duplicate shall be deemed *prima facie* evidence that the said official has been designated to affix his signature thereto. *New.*

Proof of failure to file summary.

" (6) A certificate under the hand and seal of office of the Secretary of State of Canada that the aforesaid summary in duplicate was not filed in the Department of the Secretary of State of Canada by a company pursuant to the provisions of this section shall be *prima facie* evidence on a prosecution under subsection (3) of this section that such summary was not filed in the Department of the Secretary of State of Canada. *New.*

Companies exempt.

" (7) Companies organized after the thirty-first day of March in any year shall not be subject to the provisions of this section until the thirty-first day of March of the following year. *New.*

" (8) The name of a company which, for three consecutive years, has omitted to file in the Department of the Secretary of State of Canada the said annual summary may be given in whole or in part to a new company unless the defaulting company, on notice by the Secretary of State of Canada by registered letter addressed to the company or its president as shown by its last return, proves to the satisfaction of the Secretary of State of Canada that it is still a subsisting company: Provided that if at the end of one month from the date of such notice the Secretary o State of Canada has not received from the company or its president response to such notice, the company may be deemed not to be a subsisting corporation, and no longer entitled to the sole use of its corporate name: Provided also that when no annual summary has been filed by a company for three years immediately following its incorporation its name may be given to another company without notice, and such company shall be deemed not to be subsisting. *Ontario Companies Act, sec. 36.* Effect of failure to file summary for three years.

" (9) This section shall, *mutatis mutandis*, be applicable to corporations without share capital with respect to a summary setting out the particulars referred to in paragraphs (*a*), (*b*), (*c*), (*d*), (*o*), (*p*), and (*q*) of subsection (1) of this section and to directors, managers and other officers of such corporations." *New.* Application of section.

**14.** Section 113 of the principal Act is hereby repealed and the following substituted therefor:— S. 113 amended.

" **113.** Every one who, being a director, manager or officer of a company, or acting on its behalf, commits any act contrary to the provisions of this Act, or fails or neglects to comply with any such provision, shall, if no penalty for such act, failure or neglect is expressly provided by this Act, be liable, on summary conviction, to a penalty of not more than one thousand dollars, or to imprisonment for not more than one year, or to both such penalty and imprisonment." Penalties.

**15.** (1) Section 123 of the principal Act is hereby amended by adding thereto the following subsection:— S. 123 amended.

" (2) The powers conferred by this section shall be held to include the power to exchange with any person or company reciprocal contracts of indemnity against loss by fire or otherwise under the plan known as ' inter-insurance.' " Inter-insurance.

**16.** Subsection (3) of section 37 and section 118 of the principal Act are hereby repealed. Repeal.

Further application of this Act. 1914, c. 40, s. 3; 1914, c. 55, c. 3.

**17.** Sections, 7, 9, 10, 11, 12 and 13 of this Act shall also apply to companies to which Part II of *The Companies Act* applies except those loan companies and trust companies to which that Part continues to apply.

Schedule amended.

**18.** The principal Act is hereby amended by adding at the end of the Schedule thereto as Form F the following:— 5

## FORM F.

### The Companies Amendment Act, 1917.

STATEMENT IN LIEU OF PROSPECTUS.

Fyled by Limited.

Pursuant to section 43c of The Companies Amendment Act, 1917.

Presented for fyling by

| | |
|---|---|
| The nominal share capital of the company. | $ |
| Divided into.....<br>(*Here show the several classes of shares and the amount of each class.*) | Shares of $ Each<br>" $ "<br>" $ " |
| Names, description, and addresses of directors or proposed directors. | |
| Minimum subscription (if any) fixed by the memorandum or articles of association on which the company may proceed to allotment. | |
| Number and amount of shares and debentures agreed to be issued as fully or partly paid-up otherwise than in cash.<br>The consideration for the intended issue of those shares and debentures. | 1. shares of $ fully paid.<br>2. shares upon which $ per share credited as paid.<br>3. debenture $<br>4. Consideration. |
| Names and addresses of (*a*) vendors of property purchased or acquired, or proposed to be (*b*) purchased or acquired by the company.<br>Amount (in cash, shares and debentures) payable to each separate vendor. | |
| Amount (if any) paid or payable (in cash or shares or debentures) for any such property, specifying amount (if any) paid or payable for goodwill. | Total purchase price $<br>Cash..... $<br>Shares..... $<br>Debentures..... $<br>Goodwill..... $ |
| Amount (if any) paid or payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscription for any shares or debentures in the company, or<br>Rate of the commission. | Amount paid.<br>" payable.<br>Rate per cent. |

(*a*) For definition of vendor, *see* Section 43B, subs. (2) of The Companies Amendment Act, 1917.

(*b*) *See* Section 43B, subs. (3) of The Companies Amendment Act, 1917.

FORM F—*Continued.*

| | |
|---|---|
| Estimated amount of preliminary expenses. | $ |
| Amount paid or intended to be paid to any promoter.<br>Consideration for the payment. | Name of promoter.<br>Amount $<br>Consideration:— |
| Dates of, and parties to, every material contract (other than contracts entered into in the ordinary course of the business intended to be carried on by the company or entered into more than two years before the fyling of this statement). | |
| Time and place at which the contracts or copies thereof may be inspected. | |
| Names and addresses of the auditors of the company (if any). | |
| Full particulars of the nature and extent of the interest of every director in the promotion of or in the property proposed to be acquired by the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise, by any person either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company. | |
| Whether the by-laws contain any provisions precluding holders of shares or debentures receiving and inspecting balance sheets or reports of the auditors or other reports. | Nature of the provisions. |

(Signatures of the persons above-named as directors or proposed directors, or of their agents authorized in writing.).....

.....

.....

FIRST REPRINT.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA

# BILL

# Q$^2$.

An Act to amend The Companies Act.

**Reprinted as amended by The Committee on Banking and Commerce.**

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL R2.

An Act for the relief of John Newton Salter.

Preamble.

WHEREAS John Newton Salter, of the village of Winchester, in the province of Ontario, labourer, has by his petition alleged, in effect, that on the twenty-ninth day of June, A.D. 1904, at the village of Iroquois, in the said province, he was lawfully married to Elizabeth Keck, a spinster; that his legal domicile was then and is now in Canada; that since the said marriage she has on divers occasions 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 John Newton Salter and Elizabeth Keck, 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 Newton Salter may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Elizabeth Keck had not been solemnized.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# R².

An Act for the relief of John Newton Salter.

Received and read a first time

Wednesday, 20th June, 1917.

Second reading

Friday, 22nd June, 1917.

Honourable Mr. Pope.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL S[2].

An Act for the relief of William Henry Bishop.

Preamble.

WHEREAS William Henry Bishop of the township of Ryerson, in the district of Parry Sound, in the province of Ontario, farmer, has by his petition alleged, in effect, that on the thirtieth day of July, A.D. 1902, at Doe Lake, in the said township, he was lawfully married to Nellie Higgins, a spinster; that his legal domicile was then and is now in Canada; that since the said marriage she has on divers occasions 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 William Henry Bishop and Nellie Higgins, 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 William Henry Bishop may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Nellie Higgins had not been solemnized.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# S$^2$.

An Act for the relief of William Henry Bishop.

Received and read a first time,

Tuesday, 10th July, 1917.

Second reading

Thursday, 12th July, 1917.

Honourable MR. GORDON.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL T2.

An Act for the relief of Albert Edwin Gordon.

Preamble.

WHEREAS Albert Edwin Gordon, of the city of Toronto, in the province of Ontario, lumber dealer, has by his petition alleged, in effect, that on the third day of May, A.D. 1903, at the said city of Toronto, he was lawfully married to Edna Gertrude Young; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that since the said marriage 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 Albert Edwin Gordon and Edna Gertrude Young, 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 Albert Edwin Gordon may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Edna Gertrude Young had not been solemnized.

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA

# BILL

# T[2]

An Act for the Relief of Albert Edwin Gordon.

Received and read a first time

Wednesday, 25th July, 1917.

Second reading

Friday, 27th July, 1917

Honourable MR. TAYLOR.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL U2.

An Act to amend The Companies Act so as to provide for the incorporation by Letters Patent of Corporations for purposes other than that of gain.

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 Companies Act Amendment Act, 1917.* Short title.

**2.** *The Companies Act*, chapter 79 of *The Revised Statutes, 1906*, is hereby amended by inserting therein, immediately after section 7, the following as section 7A:— R.S., c. 79. New s. 7A added.

"**7A.** (1) When the application is for the creation of a corporation for national, patriotic, religious, philanthropic, charitable, artistic, sporting or other objects intended to be carried on in more than one province of Canada without the purpose of gain, the applicants for such letters patent, who must be of the full age of twenty-one years, shall file in the Department of the Secretary of State of Canada an application setting forth:— Corporations without purpose of gain.

"(*a*) The proposed corporate name, which shall not be that of any other known corporation, association or body incorporated or unincorporated, or any name liable to be confounded therewith, or otherwise, on public grounds, objectionable; Name.

"(*b*) The purposes for which incorporation is sought; Purposes.

"(*c*) The place within Canada where its chief office is to be situated; Chief place of business.

"(*d*) The names in full and the address and calling of each of the applicants, with special mention of the names of not more than fifteen and not less than three of their number, who are to be the first or provisional directors or trustees of the corporation. Applicants.

Memorandum of Agreement.

" (2) The application shall be accompanied by a memorandum of agreement, in duplicate, which shall set out the by-laws or regulations of the corporation and shall, more particularly, provide by-laws or regulations upon the following matters:—

Terms of admission.

" (*a*) Conditions of membership, including societies or companies becoming members of the corporation;

Meetings.

" (*b*) Mode of holding meetings, rights of voting and of making, altering and rescinding by-laws or regulations;

Directors, Committee, Officers.

" (*c*) Appointment and removal of the directors, trustees, committee or officers, and their respective powers and remuneration;

Audit of accounts.

" (*d*) Provision for audit of accounts and appointment of auditors;

Withdrawal of members.

" (*e*) Determination whether or how members may withdraw from the corporation;

Seal.

" (*f*) Provision for custody of seal and certifying of documents issued by the corporation.

By-laws.

" (3) Any of the by-laws or regulations the applicants desire may be embodied in the letters patent but in such case shall not be varied or amended except by the issue of supplementary letters patent.

Amendment of by-laws.

" (4) By-laws or regulations not embodied in the letters patent may be varied or amended, but such variation or amendment shall not be in force or acted on until the approval of the Secretary of State of Canada has been obtained.

Existing corporations.

" (5) Any existing corporation created by Act of the Parliament of Canada may apply under the provisions of this section for the issue of letters patent creating it a corporation under the provisions of this Act, and upon the issue of such letters patent the corporation shall be governed in all respects by the provisions of this Act.

Application of R.S., c. 79.

" (6) The following sections of this Part of this Act shall not be applicable to a corporation created under this section, namely, 26, 33, 38 to 68 inclusive, 70 to 78 inclusive, 80 to 88 inclusive, and the other sections of this Part of this Act shall be applicable to such a corporation.

" Shareholders."

" (7) The word " shareholder " whenever used in those sections of this Act which apply to a corporation created under this section shall be deemed to mean a member of such a corporation."

S. 13 amended.

**3.** Section 13 of the said Act is hereby repealed and the following substituted therefor:—

Notice to be published.

" **13.** Notice of the granting of the letters patent shall be forthwith given by the Secretary of State of Canada by one insertion in *The Canada Gazette*, in the form C in the Schedule to this Act; and thereupon, from the date of the

letters patent, the persons therein named, and such persons as have become subscribers to the memorandum of agreement or who thereafter become shareholders in the company, and their successors, shall be a body corporate and politic, by the name mentioned in the letters patent."

**4.** Form C in the Schedule to the said Act is hereby repealed and the following is substituted therefor:— New Form C. Notice of incorporation.

"FORM C.

"Public notice is hereby given that under the first Part of the Companies Act, letters patent have been issued under the seal of the Secretary of State, bearing date the day of incorporating (*here state names, address, and calling of each corporator named in the letters patent*) for the purpose of (*here state the undertaking of the company or in the case of a corporation not for purposes of gain, the objects of the corporation, as set forth in the letters patent*), by the name of (*here state the name of the company or corporation as in the letters patent*) [with a total capital stock of dollars divided into shares of dollars.] (*In the case of a corporation not for purposes of gain the words between square brackets will be left out.*)

"Dated at the office of the Secretary of State of Canada, this day of 19 .

"A. B.,
*Secretary.*"

7th Session, 12th Parliament, 7-8 George V, 1917

THE SENATE OF CANADA.

# BILL

# U².

An Act to amend The Companies Act so as to provide for the incorporation by Letters Patent of Corporations for purposes other than that of gain.

Received and read a first time

Tuesday, 21st August, 1917.

Second reading

Thursday, 23rd August, 1917.

Honourable Sir James Lougheed, K.C. M.G.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1917.

7th Session, 12th Parliament, 7-8 George V, 1917

# THE SENATE OF CANADA.

## BILL V[2].

An Act relating to War Charities.

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 War Charities Act, 1917.* Short title.

**2.** In this Act, Definitions.

(*a*) "Minister" means the Secretary of State of Canada, or such Minister as the Governor in Council may select to exercise and perform the powers and duties under this Act.

(*b*) "war charities" means any fund, institution or association, whether established before or after the commencement of this Act, having for its object or among its objects the relief of suffering or distress, or the supplying of needs or comforts to sufferers from the war, or to soldiers, returned soldiers or their families or dependents, or any other charitable purpose connected with the present European war. Any question whether a charity is a war charity shall be finally determined by the Minister.

**3.** (1) It shall not be lawful to make any appeal to the public for donations or subscriptions in money or in kind for any war charity as hereinbefore defined, or to raise or attempt to raise money for any such war charity by promoting any bazaar, sale, entertainment or exhibition, or by any similar means, unless— Prohibition against raising money for war charities unless registered.

(*a*) the war charity is either exempt from registration or is registered under this Act; and

(*b*) the approval in writing of the executive committee or other governing body of the war charity has been

obtained, either directly or through some person duly authorized to give such approval on behalf of such governing body;

and if any person contravenes any of the provisions of this section he shall be guilty of an offence against this Act.

Church collections excepted.

(2) This section shall not apply to any collection at Divine Service in a place of public worship.

When section to begin to apply.

(3) This section, so far as it relates to registration, shall not apply to any war charity until the expiration of three months after the passing of this Act, or to any war charity pending the decision of the registration authority on an application for the registration of such charity made within such period.

Exemptions may be made.

(4) The Minister may exempt any war charity from registration under this Act.

Registration.

**4.** (1) Any person or persons desiring to have a war charity registered under this Act shall send a written application to the registration authority for the area in which the administrative centre of the war charity is situated, and if any question arises as to where the administrative centre of any war charity is situated it shall be finally determined by the Minister.

Registration authority.

(2) (i) The Minister shall be the registration authority, and he may by warrant under his hand and seal of office appoint a committee or committees to be a local registration authority or authorities for such district or districts as may be defined in such warrant. Such local registration authorities shall consist of such number of members as may be fixed by the warrant of appointment, and the Minister may at any time supersede such committee by another similarly appointed.

(ii) The members of such committee shall perform their duties without remuneration.

War charities other than Canadian.

(3) The Minister shall be the registration authority for any war charity having its headquarters or principal office situate at any place outside Canada. And the Minister may prescribe how many, if any, of the conditions contained in section five of this Act shall apply to such a war charity.

When application may be refused.

(4) The registration authority or local registration authority may, before registering any war charity, make such inquiries with respect to the war charity as it thinks fit, but a local registration authority shall not refuse to register any war charity having its administrative centre within the area of its authority unless it is satisfied that the war charity is not established in good faith for charitable purposes, or will not comply with the conditions imposed by this Act, or that it will not be properly administered.

(5) An appeal from a refusal by a local registration authority to register any war charity shall lie to the Minister, and if as a result of such appeal the Minister determines the application for registration ought not to be refused, the local registration authority shall register the war charity. Appeal.

(6) The registration authority and every local registration authority shall give to each war charity registered or exempted a certificate of registration or exemption, and shall keep a register of the war charities registered by it under this Act of all war charities registration of which has been refused by it, and of all war charities which have been exempted from registration by it, and shall immediately after the close of each month send to the Minister a copy of such register for the preceding month, and shall from time to time notify the Minister of any changes in the particulars entered in the register. Certificate and returns to be made to minister.

(7) The Minister shall keep a combined register of all war charities registered under this Act, and a combined list of all war charities in respect of which applications for registration under this Act have been refused, and a combined list of all war charities which have been exempted from registration under this Act. Register to be kept by Minister.

**5.** War charities registered under this Act shall comply with the following conditions:— Conditions to be complied with by registered charities.

(i) the war charity shall be administered by a responsible committee or other body consisting of not less than three persons; and minutes shall be kept of the meetings of the committee or other body in which shall be recorded the names of the members of the committee or other body attending the meetings;

(ii) proper books of account shall be kept, and such accounts shall include the total receipts and the total expenditure of any collection, bazaar, sale, entertainment or exhibition held with the approval of the governing body of the war charity, and the accounts shall be audited at such intervals as may be prescribed by regulations under this Act by some person or persons approved by the registration authority, and copies of the accounts so audited shall be sent to the registration authority;

(iii) all moneys received by the war charity shall be paid into a separate account at such bank or banks as may be specified as respects the war charity in the register;

(iv) such particulars with regard to accounts and other records as the registration authority or the Minister may require, shall be furnished to the registration

authority or the Minister, and the books and accounts of the charity shall be open to inspection at any time by any person duly authorized by the registration authority or by the Minister.

Regulations.

**6.** The Minister may make regulations,—

(*a*) prescribing the forms for applications under this Act and the particulars to be contained therein;

(*b*) prescribing the form of the registers to be kept under this Act and the particulars to be entered therein;

(*c*) providing for the inspection of registers and lists kept under this Act, and the making and furnishing and certification of copies thereof and extracts therefrom;

(*d*) prescribing forms and particulars for returns of names of officers and activities of charity and periods covered by such returns;

(*e*) requiring notification to the registration authority or local registration on authority of any changes requiring alterations in the particulars entered in the register;

(*f*) providing for the exemption of charities from this Act and prescribing the grounds of exemption;

(*g*) generally for carrying this Act into effect.

Removal from register.

**7.** (1) The registration authority or a local registration authority, if satisfied that any war charity registered under this Act is not being carried on in good faith for charitable purposes, or is not complying with any of the conditions imposed under this Act, or is not being properly administered, may remove the war charity from the register, and if such removal is made by a local registration authority, shall notify such removal to the Minister, and if they so remove it, shall give public notice of its removal.

Appeal.

(2) An appeal shall lie to the Minister against the decision of the local registration authority to remove a war charity from the register.

False statements, etc.

**8.** If any person, in any application for registration or exemption or in any notification of any change requiring alterations in the registered particulars, makes any false statement or false representation, or if any person falsely represents himself to be an officer or agent of a war charity, or if he fails to send any notification which he is required under this Act to send, he shall be guilty of an offence against this Act.

Badges; protection of.

**9.** In any case where the Governor in Council has authorized any war charity to issue and confer any brassard, button, emblem or device, it shall be an offence against this Act for any unauthorized person to manufacture, import into Canada, sell, offer for sale, purchase or wear

such brassard, button, emblem or device or any colourable imitation thereof.

Penalty.

**10.** (1) Any person guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding five hundred dollars, or to imprisonment with or without hard labour for a term not exceeding three months.

Consent necessary.

(2) Proceedings for offences against this Act, other than offences against section nine, shall not be instituted except with the consent of the Minister.

7th Session, 12th Parliament, 7 George V, 1917

THE SENATE OF CANADA.

# BILL

# V$^2$.

An Act relating to War Charities.

Received and read a first time

Tuesday, 21st August, 1917.

Second reading

Thursday, 23rd August, 1917.

Honourable Sir JAMES LOUGHEED, K. C.M.G.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1917.

# INDEX TO BILLS OF 1917.


| | |
|---|---|
| Alliance National | 44. |
| Aerial League of British Empire. | I. |
| Army and Navy Veterans in Canada. | P. |
| Athabaska Northern Ry. Co. | 6. |
| Baker Ernest Mead. | O. |
| Barnwell Edward Austin. | G. |
| Bank Act.(Amend). | 46-56-65. |
| Beal,Gertrude Ellen. | F2. |
| Bishop of Mackenzie River. | 8. |
| Bishop, Wm. Henry. | S2. |
| Birds.Migratory in Canada.U. S. | 92. |
| British Am. Telephone and Telegraph Co. | 25. |
| British Columbia White River Ry. Co. | 48. |
| Breidert and Mudge(Patents). | 38. |
| Boards of Trade Act.(Amend). | 115. |
| Business Profits War Tax 1916.(Amend) | 57. |
| Canadian Ukrainian Institute. | K.2. |
| Canadian Ass. of Stationary Engineers | 10. |
| Canadian Order of Woodmen | 11. |
| Canadian Grain Act. | 22. |
| Canadian Surety Co. | 29. |
| Canadian Western Ry. Co. | 30. |
| Canadian Nor. Ry. Co. Acquisition of Stock. | 125. |
| Canadian Division of the Aerial League of British Empire. | I. |
| Canadian General Council of Boy Scouts. | 27. |
| Canadian Northern Quebec Ry. Co. | 28. |
| Canada Preferred Ins. Co. | S. |

| | |
|---|---|
| Cariboo Barkerville Wilow River Ry. Co. | 31. |
| Calgary and Furnie Ry. Co. | 26. |
| Cascade Scenic Ry.Co. | 32. |
| Chinese Immigration Act.(Amend). | 42. |
| Civil Service Act.(Amend) | 68. |
| Companies Act.(Amend). | 43.A.Q2.U2. |
| Continental Heat and Light Co. | 7. |
| Conover, Herbert Featherstone | I.2. |
| C. P. Ry. Arrangement with United Kingdom | 47. |
| Criminal Code.(Amend). | 2.3.4.21.54.59. 97.124. |
| Customs Act.(Amend) | 67. |
| Dominion Lands Act(Amend. | 12. 107. |
| Dominion Council of the Girls Guides Ass. | V. |
| Dominion Goods roads Ass. | E 2. |
| Dry Docks Subsidies.1910 | 134. |
| Exchequer Court Act.(Amend) | 49. |
| Election Act. 1917. | 133. |
| Empire Life Ins. Co. | A 2. |
| Essex Terminal Ry. Co. | B. |
| Fisheries Act.(Amend) | 74. |
| Franchise Act.(War-time Election Act) | 133. |
| Game in Northwest Territories. | 100. |
| Garret,Geo. Walter S. | D.2. |
| Grand Trunk Pac. Branch Lines Co. | 33. 41. |
| Grain Growers Grain Co. | 14. |
| Great Britain and Ireland and C.P.R. Ry.Co. | 47. |

| | |
|---|---|
| Great War Veterans Ass. | V. |
| Gordon,Albert Edwin. | T.2. |
| Government Ry. Act.(Amend). | 118. |
| Guardian Ins. Co. | 5. |
| Hilton,Amy Matthews | M. |
| Highways Act. | 58. |
| Indian Tribes of Canada, Council for. | 119. |
| Imperial Order Daughters of the Empire. | C.2. |
| Insurance Act. 1910.Amend. | 45-50. |
| Insurance Act 1917. | 53. |
| Inspection & Sales Act. Hay Inspection. | 112. 120. |
| Interest Act.(Ament) | 99. |
| Interprovincial and James Bay Ry.Co. | 34. |
| Intoxicating Liquors. | 121. |
| Jones, Frederick Ruben | J. |
| Jory, Thomas Edwin. | Y. |
| Judges Act.(Amend) | 66. |
| Kaslo and Slocan Ry.Co. | 35. |
| Kennedy, Amelia | K. |
| Kenora and English River Co. | E. |
| Khaki League,The. | H. |
| King.J.B. (Patents). | B 2 |
| Lachine, Jacques Cartier Maisonneuve Ry.Co. | 9. |
| La Cie. de Chemin de Fer de Colonisation du Nord. | 36. |
| La Société des Artisans Canadiens Français. | 40. |
| Lamb,Rosila,(relief) | O 2. |
| Live Stock. | 123. |

Loan for Public Service. 19.

Lockwood, Florence. Z.

Maisey, George. (relief) H.2

Manitoba and Ontario Ry.Co. M.2

Meat and Canned Foods Act. 73.

Migratory Birds Act. 92.

Military Service Act. 75.

Military Voters Act. 1917. 127.

Militia and Defence Parliamentary Sec. 122.

Minister of Overseas Forces. 122.

Montreal Central Terminal Co. N.2

Mount Royal Tunnel and Terminal Co. 37.

North Am. Accident Int. Co. P.2

Ocean Telegraph Act (repeal). 69.

O'Neil, Delbert Ralph.(relief.) F.

Parker, John Bassnett. L.

Payment of Salaries or Wages.Ry. Co. D.

Penny Bank Act. 55.

Poole Colin Darrach.(relief) W.

Public Service Loan Act. 19.

Prohibition of Sale of Intoxicating Liquors. 121.

Quebec Harbour Com. 23.

Railway Act.(Amend). L.2. 18.

Railway Act. Consolidation. 13.

Railways Cos. Salaries Wages. D.

Salter, John Newton.(Relief). R.2

Security Life Ins. Co. R.

Secretary,Under of State. 122.

Scientific and Industrial Research Act. 83.

Sharp Rotary Ash Receiver Co. X.

Solar. Meantime in Canada. 82.

Soldiers, Returned. 116.

St.John Board of Trade. 15.

St. John and Quebec Ry. Act. 1916. 91.

Summer Time Act. 1917. 82.

Supreme Court of Canada C.

Supreme Court and Exchequer. 98.

Toronto Hamilton ans Buffalo. Ry. Co. 39.

Tygard, James Wallace. T.

Unites Grain Growers Ltd. 14.

Vancouver Victoria & Eastern Ry.Co. & C.N.P. Ry.Co. 16.

Vancouver Life Ins. Co. Q.

Wages of Employees of Railway Cos. D.

War Charities. V.2

War Tax of Incomes. 117.

War -time Eledtions Act. 133.

War Appropriation Act. 24.

Western Dominion Ry. Co. 17.

Western Canada Accident and Guarantee Ins Co. J.2

Western Life Ass. Co. N.